



1999 SENATE BILL 45

February 16, 1999 - Introduced by JOINT COMMITTEE ON FINANCE, by request of
Governor Tommy G. Thompson. Referred
to Joint committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 1999 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 1999-2001 fiscal biennium. The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 1999-2001 fiscal biennium.

The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the department of administration's publication *Budget in Brief* and the executive budget books, the legislative fiscal bureau's summary document and the legislative reference bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

SENATE BILL 45**GUIDE TO THE BILL**

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled “laws of [year], chapter” from 1848 to 1981, and “[year] Wisconsin Act” beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Appropriation changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Adolescent pregnancy prevention and pregnancy services board.**
- XX03 Aging and long-term care board.**
- XX04 Agriculture, trade and consumer protection.**
- XX05 Arts board.**
- XX06 Boundary area commission, Minnesota-Wisconsin.**
- XX07 Building commission.**
- XX08 Child abuse and neglect prevention board.**
- XX09 Circuit courts.**
- XX10 Commerce.**
- XX11 Corrections.**
- XX12 Court of appeals.**
- XX13 Educational communications board.**
- XX14 Elections board.**
- XX15 Employee trust funds.**
- XX16 Employment relations commission.**
- XX17 Employment relations department.**
- XX18 Ethics board.**
- XX19 Financial institutions.**
- XX21 Governor.**
- XX22 Health and Educational Facilities Authority.**
- XX23 Health and family services.**
- XX24 Historical society.**
- XX25 Housing and Economic Development Authority.**
- XX26 Insurance.**
- XX27 Investment board.**

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- XX28 Joint committee on finance.**
- XX29 Judicial commission.**
- XX30 Justice.**
- XX31 Legislature.**
- XX32 Lieutenant governor.**
- XX33 Lower Wisconsin state riverway board.**
- XX34 Medical College of Wisconsin.**
- XX35 Military affairs.**
- XX36 Natural resources.**
- XX37 Personnel commission.**
- XX38 Public defender board.**
- XX39 Public instruction.**
- XX40 Public lands, board of commissioners of.**
- XX41 Public service commission.**
- XX42 Regulation and licensing.**
- XX43 Revenue.**
- XX44 Secretary of state.**
- XX45 State fair park board.**
- XX46 Supreme Court.**
- XX47 Technical college system.**
- XX48 Technology for educational achievement in Wisconsin board.**
- XX49 Tourism.**
- XX50 Transportation.**
- XX51 Treasurer.**
- XX52 University of Wisconsin Hospitals and Clinics Authority.**
- XX53 University of Wisconsin Hospitals and Clinics Board.**
- XX54 University of Wisconsin System.**
- XX55 Veterans affairs.**
- XX56 World Dairy Center Authority.**
- XX57 Workforce development.**
- XX58 Other.**

For example, for general nonstatutory provisions relating to the historical society, see SECTION 9124. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "58" (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

SENATE BILL 45**AGRICULTURE**

Under current law, one of the eligibility requirements for the farmland preservation credit is that the land to which the credit relates must be subject either to a farmland preservation agreement between the landowner and the department of agriculture, trade and consumer protection (DATCP) or to an exclusive agricultural use zoning ordinance that is certified by the land and water conservation board (LWCB). A farmland preservation agreement requires the owner to keep the land in agricultural use for the duration of the agreement, up to 25 years, although DATCP may release land from an agreement under certain circumstances. In some of the circumstances under which DATCP may release land from a farmland preservation agreement, or if land is rezoned from exclusive agricultural use, DATCP is required to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years.

For taxable years beginning after December 31, 2000, this bill eliminates the requirement that land be subject to a farmland preservation agreement or exclusive agricultural use zoning in order for the owner to qualify for the farmland preservation credit. *See* **TAXATION** for a description of all of the changes in the credit. The bill prohibits DATCP from entering into additional farmland preservation agreements and requires DATCP to release land from an existing farmland preservation agreement at the request of the owner. DATCP must file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years unless the land qualifies for release under one of the current circumstances under which a lien is not required. Under the bill, land that is rezoned from exclusive agricultural use zoning after December 31, 2000, is not subject to a lien.

Under current law, another eligibility requirement for the farmland preservation credit is that the land be farmed in compliance with a soil and water conservation plan or with soil and water conservation standards established by the county in which the land is located and approved by LWCB. Under the bill, beginning on January 1, 2001, all claimants must comply with the soil and water conservation standards. The bill requires counties to revise the standards so that they are consistent with the tolerable erosion standard established by LWCB and with nutrient management rules promulgated by DATCP.

Under current law, an exclusive agricultural use zoning ordinance must generally provide that the minimum parcel size for establishing a residence or a farm operation is 35 acres. This bill eliminates that requirement effective January 1, 2001, and requires instead that an exclusive agricultural use ordinance must specify a minimum lot size.

Under current law, a person may not operate a nursery (a place where plants are grown for sale) in this state without a license from DATCP. The license fee is based primarily on total nursery acreage. A person other than the operator of a nursery may not sell nursery stock without a nursery dealer license from DATCP. The nursery dealer license fee is \$25 for each place of business.

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Under this bill, the license fee for a nursery operator (called a nursery grower) is based on annual sales of nursery stock and the nursery dealer license fee is based on annual purchases of nursery stock. The bill also requires that Christmas tree growers be licensed as nursery growers.

Current law requires county land conservation committees to prepare land and water resource management plans. The plans must be reviewed by LWCB and approved by DATCP. This bill provides for land and water resource management plans to be reviewed by DATCP, in consultation with the department of natural resources, and approved by LWCB. The bill also changes the requirements for the contents of a land and water resource management plan by, among other things, requiring the identification of water quality goals and a system for monitoring the progress of the activities described in the plan.

Under current law, DATCP awards grants for land and water resource management projects and for the construction of animal waste management systems. Current law authorizes the issuance of up to \$3,000,000 in state bonds for this program. This bill increases that bonding authority by \$3,575,000.

Under current law, DATCP regulates establishments where animals are slaughtered and where meat is processed if those establishments are not federally licensed. This bill requires slaughtering and meat processing establishments that are not federally licensed to comply with the federal regulations that apply to federally licensed establishments, except as otherwise provided in rules promulgated by DATCP.

Under current law, DATCP collects fees related to fertilizer, animal feeds and pesticides from persons who manufacture and sell these products. The fees are used for the management of agricultural chemicals. The 1997-99 biennial budget act lowered the amount of these fees for two years. This bill extends the lower fee amounts for two additional years.

For the fertilizer and animal feed fees, the bill also imposes a weights and measures fee on each ton of fertilizer or animal feed sold. The fees are used by DATCP for its weights and measures inspection program. This bill reduces the fertilizer and animal feed fees so that the total fee per ton remains the same as it is under current law.

Under current law, drainage boards operate drainage districts, which drain property owned by two or more persons. DATCP assists drainage boards and oversees their activities and promulgates rules that apply to drainage boards.

This bill establishes a program under which DATCP makes grants to drainage boards to assist the boards to comply with applicable laws and rules.

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This bill authorizes DATCP to accept electronic applications and payments for licenses issued and services provided by DATCP. DATCP may charge a fee to cover its electronic processing costs.

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

This bill authorizes the department of commerce to award grants and loans to businesses that are located in the same county as a casino that is operated by a federally recognized American Indian tribe or band or in a county adjacent to such a county. A grant for professional services, such as engineering studies, feasibility studies, marketing assistance or legal or accounting services, may not exceed \$15,000. A grant or loan for fixed asset financing may not exceed \$100,000. For either of these grants or loans, the department must determine that the recipient has been negatively impacted by the existence of the casino and that the recipient has a need for the grant or loan to improve its profitability. Unless the department waives the requirement for financial hardship reasons, any business receiving a grant or loan must provide matching funds for 25% of the cost of the project.

The bill also authorizes the department to award a grant or loan to a business described above for the purpose of diversifying the economy of a community in proximity to a casino. In determining whether to award a grant or loan, the department must consider a project's potential to retain or increase jobs, potential for significant capital investment and contribution to the economy of the community in proximity to the casino and to the economy of the state. A business that receives a grant or loan must provide matching funds for at least 25% of the cost of the project. Moneys for all of these grants and loans come from Indian gaming receipts. In addition, Indian gaming receipts are used for economic development grants for Brown County in fiscal years 1999–2000 and 2000–01.

Under current law, general purpose revenue is appropriated to the department of commerce for economic development for American Indians. This bill changes the source of the funding to Indian gaming receipts.

The Wisconsin Housing and Economic Development Authority (WHEDA) administers a number of loan guarantee programs. Under the small business development loan guarantee program, WHEDA may guarantee up to 80% or \$200,000, whichever is less, of the principal of a loan made by a private lending institution to a business that employs 50 or fewer full-time employees (small business), or to the elected governing body of a federally recognized American Indian tribe or band in this state, for certain business development projects. The total outstanding guaranteed principal amount of all loans that WHEDA may guarantee under the program is \$9,900,000.

This bill adds a new type of eligible borrower to the program: a small business that is located in the same county as a casino that is operated by a federally recognized American Indian tribe or band or in a county that is adjacent to such a county. For such a loan, WHEDA may guarantee up to 100% or \$200,000, whichever

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is less, of the loan principal. In addition, for such a loan WHEDA annually may pay to the financial institution that made the loan up to 3.5% of the outstanding balance of the loan as an interest subsidy. The bill increases the total outstanding guaranteed principal amount of all loans that WHEDA may guarantee under the program from \$9,900,000 to \$21,150,000. The bill also authorizes WHEDA to use Indian gaming receipts for guarantees and interest subsidies for loans made to businesses located in the same counties as American Indian casinos or in counties adjacent to those counties.

Currently, under the physician loan assistance and health care provider loan assistance programs, the department of commerce may repay up to a specified amount in educational loans on behalf of a physician, physician's assistant, nurse-midwife or nurse practitioner who agrees to practice at least 32 clinic hours per week for three years in one or more eligible practice areas, defined generally as areas in this state with shortages of certain types of health care providers. The loan repayments are funded from general purpose revenue. This bill changes the funding source to Indian gaming revenue.

This bill appropriates Indian gaming receipts to the department of tourism for tourism marketing expenditures and for providing funds to nonprofit organizations for the joint effort marketing of tourism in the state.

This bill authorizes WHEDA to organize and maintain a nonstock, nonprofit corporation for the purpose of investing in biotechnology companies in this state. Biotechnology is defined as technology related to life sciences. General purpose revenue is provided to the corporation for start-up capital and for its reasonable administrative expenses. WHEDA must provide administrative services to the corporation by assigning its own employees or by contracting with private or state agencies to provide the services.

The corporation may invest in a biotechnology company by purchasing capital participation instruments, such as capital stock, partnership or membership interests, evidences of indebtedness and royalties, in a commercial, industrial or other economic enterprise undertaken by the biotechnology company. The corporation may not purchase more than 49% of the voting stock in any such enterprise and may not invest more than \$200,000 in any one biotechnology company.

The board of directors of the corporation includes the executive director of WHEDA, the secretary of commerce, the secretary of administration, the executive director of the investment board, the president of the University of Wisconsin System and the president of Forward Wisconsin, Inc., or the designee of any of them, and three other members who are initially appointed by the governor and who must include representatives of the state's biotechnology research community, biotechnology industry and venture capital industry.

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This bill authorizes the department of commerce to award a grant of not more than \$1,000,000 to a consortium of business, governmental and educational entities in the Racine–Kenosha area for a manufacturing technology training center. The consortium must submit a business plan to the department, and the secretary of commerce must approve the plan before the grant may be made. The department and the consortium must enter into a written agreement concerning the use of the grant proceeds, and the consortium must submit a report to the department on the use of the grant proceeds within six months after spending the proceeds.

This bill authorizes the department of commerce to make a loan of not more than \$600,000 to a person for a project that includes a pedestrian bridge. In order to receive the loan, the person must submit a project plan and the plan must be approved by the secretary of commerce. The person must enter into a written agreement with the department related to the use of the loan proceeds, and must agree to report to the department on the use of the loan proceeds after the proceeds are spent.

This bill eliminates the manufacturing assistance grants program, under which the development finance board awards grants to fund a management assessment and plan, to provide customized training for employees of a business supplying a manufacturing business and to provide support for a manufacturing extension center technology transfer program. Grants may not total more than \$750,000 in a fiscal biennium and are funded with general purpose revenue from the Wisconsin development fund and with repayments from grants and loans made from the Wisconsin development fund.

This bill authorizes the department of commerce to award a grant to a technology–based nonprofit organization to provide support for a manufacturing extension center. Grants awarded under the program may not exceed \$1,000,000 in a fiscal year and are funded solely with repayments of grants and loans made from the Wisconsin development fund.

This bill authorizes the department of commerce to award grants for costs associated with the start–up or expansion of a business that is or will be located in a city, village or town that has a population of more than 6,000 or that is located in a county with a population density of 150 or more persons per square mile. The department may not award more than \$15,000 to any one person in a fiscal biennium, and may not award more than \$250,000 under the program in a fiscal biennium. A person may not receive a grant unless the person submits to the department a comprehensive informational application and contributes at least 25% of the cost of the project.

Currently, if the department of commerce designates an area as a development zone, a development opportunity zone or an enterprise development zone, a person or corporation that conducts or that intends to conduct economic activity in the

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designated zone may be eligible for certain tax credits, called development zones credits, based on the creation or retention of jobs and on expenses incurred to remediate environmental problems.

This bill eliminates the requirement that the department obtain the approval of the joint committee on finance to designate more than 50 enterprise development zones and increases the number of enterprise development zones that the department may designate to 100. The bill increases the amount in tax credits that the department must allow a person to claim for creating or retaining a job in a development zone or in an enterprise development zone. The bill increases to \$300,000,000 the total amount of tax credits that may be claimed under the development zone and enterprise development zone programs together. Under current law, the amount of tax credits that may be claimed under the development zone program is \$33,155,000 and the amount that may be claimed under the enterprise development zone program is not specified. Finally, the bill authorizes the department to designate enterprise development zones for projects that will likely provide for significant environmental remediation. Under current law, the department may designate an enterprise development zone only for a project that is likely to retain or increase employment in the state and that will likely have a positive effect on an area that meets at least three criteria relating generally to economic circumstances. Of the 100 enterprise development zones that the department may designate under the bill, the department must designate at least ten for projects for environmental remediation.

Currently, the department of commerce awards grants to persons for the redevelopment of brownfields and associated environmental remediation activities. Brownfields are abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination. Grants are paid from general purpose revenue and from the environmental fund.

This bill adds another type of grant to the program based on the creation or retention of jobs. Under the bill, any person eligible for a grant under the current program is eligible for the new type of grant if, in addition to satisfying the criteria under current law, the grant applicant creates or retains jobs with the grant proceeds. At least 80% of the jobs created or retained must be filled by individuals who are parents of minor children and who have family incomes that do not exceed 200% of the federal poverty line. The new grants are paid from the federal temporary assistance for needy families block grant moneys. The current requirement that the department must award at least seven grants under the program for projects that are located in municipalities with a population of less than 30,000 is changed to a requirement that the department must award at least 14 grants for projects that are located in municipalities with a population of less than 50,000.

The department of commerce currently awards grants and loans from the Wisconsin development fund for various purposes generally related to technology and product research and development and labor training. This bill provides that

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in fiscal year 1999–2000 the department of commerce may provide up to \$100,000 in assistance from the fund to a nonprofit organization that provides assistance to organizations and individuals in urban areas.

Currently, WHEDA guarantees the repayment of loans made to businesses and individuals for various specified purposes by private lending institutions. The loans are guaranteed from the Wisconsin development reserve fund. This bill transfers \$2,000,000 from the Wisconsin development reserve fund to the environmental fund, which funds such activities as environmental repair, groundwater management and nonpoint source water pollution abatement. In addition, the bill reduces WHEDA's loan guarantee authority for the remediation of brownfields.

Currently, moneys in the housing rehabilitation loan program administration fund may be used to pay for WHEDA's expenses in administering the housing rehabilitation loan program, which promotes housing rehabilitation through, among other things, the purchase of housing rehabilitation loans from lenders. Moneys may be transferred to the general fund if the moneys are no longer required for the housing rehabilitation loan program. This bill eliminates the transfer of moneys to the general fund and instead authorizes the transfer of moneys to the Wisconsin development reserve fund, which WHEDA uses to fund loan guarantees under all of its loan guarantee programs.

The bill also eliminates the cultural and architectural landmark loan guarantee program, under which WHEDA may guarantee a loan to an organization for acquiring, constructing, improving or rehabilitating a property that is an architectural masterpiece and that has historical significance.

Under the statutes, records created and maintained by a governmental agency are normally open to inspection by anyone who requests inspection or copies of the records. Also under current law, a governmental agency is prohibited from selling or renting a record containing an individual's name or address unless authorized by statute. This bill allows the department of tourism to refuse to reveal names, addresses and related demographic information from any lists maintained by the department of persons who have requested travel information from the department. In addition, if the department reveals information from any such list, the department may charge a fee to recover its costs in compiling and providing the information.

Under current law, the department of commerce awards grants to community-based organizations for regional economic development, but is limited in the amount that it may award in a fiscal year. This bill removes this limit so that the department may use its discretion in the total amount of grants awarded.

Under current law, the department of commerce provides technical assistance, or a grant for technical assistance, to individuals, nonprofit organizations and businesses with fewer than 25 full-time employees for developing and planning the

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start-up or expansion of a business that is expected to provide job opportunities for persons with severe disabilities. This bill makes businesses with fewer than 100 employees eligible for such assistance.

COMMERCE

This bill allows a savings bank, a savings and loan association and a state bank (a financial institution) to become certified by the division of banking in the department of financial institutions (DFI) as a universal bank. If certified as a universal bank, the financial institution may exercise certain additional powers.

In order to be certified as a universal bank, a financial institution must be chartered or organized, and regulated, as a Wisconsin financial institution and be in existence and continuous operation for at least three years; must be well-capitalized or adequately capitalized; must not exhibit moderately severe or unsatisfactory financial, managerial, operational and compliance weaknesses; and must not have been the subject of any enforcement action within the 12 months preceding the application.

A financial institution that the division of banking certifies as a universal bank retains its original status and remains subject to all of the laws that applied to the financial institution prior to its certification as a universal bank, except to the extent that such laws are inconsistent with the powers and duties of universal banks.

The bill expands the powers of a financial institution that becomes certified as a universal bank to include any activity authorized for any savings bank, savings and loan association or state bank. In addition, the bill does all of the following with respect to the powers that a universal bank may exercise:

1. The bill grants a universal bank the authority to exercise all powers that may be exercised, either directly or through a subsidiary, by a national bank, a federally chartered savings bank or a federally chartered savings and loan association.

2. A universal bank may deal in loans or extensions of credit for any purpose. Like state banks, the limitations imposed on a universal bank's lending generally focus on the total amount of liabilities of any one lender at any one time. Although the limit varies, the general rule is that the total liabilities of any one person to a universal bank may not exceed 20% of the capital of the universal bank. In addition, the bill grants a universal bank additional authority to lend an aggregate amount to all borrowers not to exceed 20% of the bank's capital. The division of banking may suspend this additional authority based upon factors including the universal bank's capital adequacy, management, earnings, liquidity and sensitivity to market risk.

3. To the extent consistent with safe and sound banking powers, a universal bank may purchase, sell, underwrite and hold certain investment securities in an amount up to 100% of the universal bank's capital. A universal bank may not invest greater than 20% of its capital in any one obligor or issuer. Subject to certain limits, the bill also allows a universal bank to purchase, sell, underwrite and hold equity securities. Universal banks may also invest in certain housing properties and projects and profit-participation projects. The bill provides that a universal bank also may invest without limitation in several specific types of securities. The universal bank may invest in risk management instruments, including financial

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futures transactions, financial operations transactions and forward commitments, solely for the purpose of reducing, hedging or otherwise managing its interest rate risk exposure. In addition, a universal bank may invest in other financial institutions. However, the bill contains specific provisions governing the purchase by a universal bank of its own stock and of stock in banks and bank holding companies.

4. The bill grants a universal bank the authority to establish the types and terms of deposits that the universal bank solicits and accepts. A universal bank may pledge its assets as security for deposits and, with the approval of the division of banking, may securitize its assets for sale to the public. In addition, a universal bank may exercise certain safe deposit and trust powers.

5. A universal bank may exercise all powers necessary or convenient to effect the purposes for which the universal bank is organized or to further the businesses in which the universal bank is lawfully engaged. In addition, the bill allows a universal bank to engage in activities that are reasonably related or incident to the purposes of the universal bank. The bill specifies numerous activities that are either reasonably related or incidental powers, including real estate-related services; insurance services, other than insurance underwriting; securities brokerage; investment advice; securities and bond underwriting; mutual fund activities; financial consulting; and tax planning and preparation. A universal bank may also engage in any activity permitted to be engaged in by bank holding companies under the federal Bank Holding Company Act.

Under Wisconsin's version of the Uniform Unclaimed Property Act (UUPA), the holder of certain types of intangible property that is presumed to be abandoned must report and deliver the property to the state treasurer. If the presumption that the property is abandoned is incorrect, the holder must file a statement with the state treasurer explaining the error in the presumption. The UUPA defines intangible property to include a sales credit reflected in a vendor's bookkeeping. This bill excludes from the definition of intangible property a balance credited by a business association to a commercial customer's account in the ordinary course of business. Thus, the bill eliminates the requirement that a vendor either report and deliver to the state treasurer a sales credit issued to a commercial customer's account or file a statement with the state treasurer explaining why the sales credit is not reportable as abandoned property.

Under current law, certain articles and substances, including toys containing mercury, are statutorily banned from being sold or distributed in this state. This bill expands the ban to include fever thermometers that contain mercury.

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas must comply with certain requirements to ensure the accuracy of the meter and the price charged to the purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP) and having the meter inspected annually by a meter servicing

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company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes the requirement that the meter be inspected on the operator instead of on the owner.

Current law imposes fees on meter owners for failing to comply with these registration and testing requirements and on meter servicing companies for failing to comply with the reporting requirements. This bill authorizes DATCP to suspend or revoke operator licenses for and meter and servicing licenses for these failures.

On January 1, 1999, 11 members of the European Union (Germany, France, Italy, Spain, the Netherlands, Belgium, Portugal, Finland, Ireland, Austria and Luxembourg) adopted the euro as their single currency. Beginning on January 1, 1999, there is a three-year period for the conversion of the currencies of the members to the euro. On January 1, 2002, euro notes and coins will be introduced and on July 1, 2002, the member currencies will be withdrawn from circulation.

This bill provides a general mechanism for interpreting contracts or other legal instruments that are entered into or executed in this state or that contain provisions that require the contract or other legal instrument to be interpreted according to the laws of this state and that use currencies or other monetary units affected by the introduction of the euro. Generally, under the bill, any contract or other legal instrument that uses a currency or other monetary unit that is affected by the euro must use the euro as a commercially reasonable substitute for the currency or monetary unit. The bill also provides that no person may discharge or otherwise excuse performance under any contract or other legal instrument, or unilaterally alter the terms of, or terminate, any contract or other legal instrument, as a result of the requirement that the euro be a commercially reasonable substitute for the currency or monetary unit.

This bill changes the name of the division of savings and loan in DFI to the division of savings institutions.

This bill authorizes DFI to charge members of the public a fee for accessing or using DFI's databases or computer systems.

BUILDINGS AND SAFETY

Under current law, the department of commerce regulates private sewage systems. A private sewage system is a sewage treatment system with a septic tank or an alternative sewage system approved by the department of commerce, such as a holding tank. Under current law, a person who is responsible for a point source of pollution (pollution from a pipe or similar conveyance into the surface water or groundwater of this state) is generally required to obtain a water pollution discharge permit from the department of natural resources (DNR).

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Under this bill, the department of commerce regulates small sewage systems rather than private sewage systems. A small sewage system either is a wastewater treatment and disposal system that discharges below the surface of the ground and that has a design flow that does not exceed a maximum established by the department of commerce or is a holding tank. The bill authorizes DNR to exempt small sewage systems from the requirement to obtain a water pollution discharge permit.

Current law charges governmental units (counties in which small sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce if the department consents.

Under current law, one statute authorizes governmental units to issue sanitary permits for the installation of small sewage systems and another statute authorizes both the department of commerce and governmental units to issue sanitary permits. The department's practice has been to issue sanitary permits for the installation of small sewage systems on state-owned property only. This bill permits both the department and governmental units to issue sanitary permits for the installation of small sewage systems on either private or state-owned property.

Current law prohibits a governmental unit from issuing a sanitary permit for the installation of a small sewage system if the department of commerce finds that the governmental unit has not adopted a small sewage system ordinance, as required by law, or if the governmental unit fails to carry out its regulatory duties concerning small sewage systems. This bill provides instead that the department may order the governmental unit to remedy its failure to adopt a small sewage system ordinance or to carry out its regulatory duties.

Under current law, the department of commerce administers a grant program for the replacement or rehabilitation of certain types of failing small sewage systems. Generally, a covered system is one that discharges sewage into surface water, groundwater or bedrock or to drain tile or the surface of the ground. Under the program, the department awards grants to eligible local governmental units which, in turn, award grants to eligible individuals and businesses. A person is generally eligible for a grant to replace or rehabilitate a failing sewage system if, among other things, he or she owns a principal residence that was constructed and inhabited before July 1, 1978, and that is served by a covered system and if the person's annual Wisconsin adjusted income does not exceed \$45,000. If there is insufficient funding for all eligible individuals and businesses, the grants are prorated.

Under this bill, in a year in which the department of commerce must prorate funds under the program, a local governmental unit that received a prorated grant may apply for a no-interest loan to increase the prorated grants provided to eligible

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individuals and businesses. To obtain a loan, a local governmental unit must enter into a financial assistance agreement with the department of administration and the department of commerce. In addition, the bill provides that a person is eligible for a grant if the system serving the principal residence was installed before July 1, 1978, the person's federal adjusted gross income does not exceed \$45,000 and the person meets the other eligibility requirements.

Current law requires small sewage systems to be inspected every three years by, among others, persons licensed by DNR to service septic tanks (pumpers). This bill eliminates pumpers as a class of approved inspectors for small sewage systems and adds small sewage system inspectors certified by the department of commerce. The bill also eliminates the three-year inspection requirement and requires instead that the department of commerce establish a schedule for the inspection or pumping of systems.

Current law requires cities and metropolitan sewerage districts to report to the department of commerce each failure of a state licensed plumber to qualify as a journeyman or master plumber and each wilful violation of any plumbing regulation. This bill eliminates this reporting requirement.

CORRECTIONAL SYSTEM**ADULT CORRECTIONAL SYSTEM**

This bill provides that the department of corrections (DOC) may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and have access to any information that may serve to identify a minor or have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. Under the bill, a financial transaction card means an instrument or device issued to the cardholder for obtaining anything on credit, for certifying or guaranteeing the availability of funds sufficient to honor a draft or check or for gaining access to an account.

Under current law, DOC may, until July 1, 1999, operate the juvenile secured correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill extends that authority to July 1, 2001.

This bill requires DOC to establish a probation and parole holding and alcohol and other drug abuse treatment facility in Milwaukee, a medium security correctional institution in Redgranite and a medium security correctional facility in New Lisbon.

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids (generally referred to as "youth aids"), various state and federal funds are allocated to counties to pay for state-provided juvenile correctional services and local

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delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC. This bill provides new per person daily cost assessments upon counties for juvenile placements during the 1999–2001 fiscal biennium as follows:

	<i>7/1/1999</i>	<i>1/1/2000</i>	<i>1/1/2001</i>
	<i>to</i>	<i>to</i>	<i>to</i>
<u><i>Placement</i></u>	<u><i>12/31/1999</i></u>	<u><i>12/31/2000</i></u>	<u><i>6/30/2001</i></u>
Juvenile correctional institution	\$ 157.29	\$ 158.46	\$ 159.62
Transfers from a juvenile correctional institution to a treatment facility	\$ 157.29	\$ 158.46	\$ 159.62
Child caring institution	\$ 169.24	\$ 172.46	\$ 175.67
Group home	\$ 117.42	\$ 119.65	\$ 121.88
Foster care	\$ 26.17	\$ 26.67	\$ 27.16
Treatment foster care	\$ 75.37	\$ 76.80	\$ 78.23
Departmental corrective sanctions services	\$ 85.18	\$ 80.67	\$ 76.67
Departmental aftercare	\$ 16.85	\$ 17.03	\$ 17.20

Under current law, DOC may operate or contract for the operation of secured correctional facilities for holding in secure custody juveniles who have been adjudicated delinquent and placed in a secured correctional facility under the supervision of DOC by the court assigned to exercise jurisdiction under the juvenile justice code (juvenile court). Current law also permits DOC to license child welfare agencies to operate secured child caring institutions (secured CCI's) for holding in secure custody juveniles who have been adjudicated delinquent and referred to the child welfare agency by the juvenile court or by DOC. A juvenile court may place a juvenile in a secured correctional facility or a secured CCI only if the juvenile has been adjudicated delinquent for committing an act that would be punishable by a sentence of six months or more if committed by an adult and has been found to be a danger to the public and in need of restrictive custodial treatment.

This bill permits the county board of supervisors of not more than one county to establish, and DOC to license, a secured group home for holding in secure custody juveniles who have been adjudicated delinquent for committing an act that would be punishable by a sentence of six months or more if committed by an adult, who have been found to be a danger to the public and in need of restrictive custodial treatment and who have been placed under the supervision of DOC by the juvenile court.

Under current law, various laws apply to juveniles who are placed in a secured correctional facility or a secured CCI. Those laws relate to such subjects as sex offender registration, the commitment of sexually violent persons, a

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deoxyribonucleic acid data bank of sex offenders, human immunodeficiency virus (HIV) testing when certain persons have been significantly exposed to HIV, adult jurisdiction and criminal penalties for certain persons who commit assault, transfers to a state treatment facility, aftercare planning, escape, notification of victims and witnesses when a juvenile is released or escapes from correctional custody, taking runaways into custody, strip searches and an exception to the open records law when disclosing a record would endanger the security of an institution. This bill applies those laws to juveniles who are placed in a secured group home in the same manner as those laws apply to juveniles who are placed in a secured correctional facility or a secured CCI.

Under current law, DOC provides a corrective sanctions program for juveniles who have been placed under the supervision of DOC. Under the corrective sanctions program, DOC must place a participant in the community, provide intensive surveillance of the participant and provide an average of \$5,000 per year per slot to purchase community-based treatment services for participants. This bill reduces the amount that DOC must provide to purchase community-based treatment services for corrective sanctions program participants to \$3,000 per year per slot.

COURTS AND PROCEDURE**CIRCUIT COURTS**

Current law provides for limited payment of attorney fees by the unsuccessful litigant to the successful litigant in all civil actions. In a civil action concerning money damages or property, the successful litigant is entitled to attorney fees based on the following schedule:

<i>Amount recovered / value of property</i>	<i>Fee</i>
\$1,000 or more	\$100
\$500 to \$999.99	\$ 50
\$200 to \$499.99	\$ 25
Under \$200	\$ 15

This bill changes the amount of attorney fees allowed in these cases as follows:

<i>Amount recovered / value of property</i>	<i>Fee, not to exceed</i>
Greater than \$5,000	\$500
\$1,000 to \$5,000	\$300
Under \$1,000	\$100

The bill also increases the amount of attorney fees recoverable in civil cases that do not involve money damages or property from a maximum of \$100 to a maximum of \$500.

Under current law, in civil cases certain disbursements, such as those made for the costs of certified copies of public papers or records, postage and depositions, are

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recoverable by the successful litigant, but are limited to \$50 for each item. This bill expands the list of disbursements that are recoverable to include such items as overnight delivery and facsimile transmissions and increases the limit to \$100 for each item. The bill also increases the amount that a successful litigant may recover for the cost of each expert witness testifying on behalf of the successful litigant from \$100 to \$300 and for filing a motion from \$50 to \$300.

Under current law, when the clerk of circuit court collects a fee from a person commencing a civil action, including garnishment, small claims and forfeiture actions, the clerk is also required to collect a \$7 justice information system fee. Four-sevenths of the \$7 fee is used to pay the costs incurred by the department of administration to develop and operate the automated justice information system. Two-sevenths of the \$7 fee is used to pay the costs incurred by the director of state courts for the operation of the circuit court, court of appeals and supreme court automated information systems and for the payment of interpreter fees. The remaining \$1 of the fee does not have a specified purpose.

This bill raises the justice information system fee from \$7 to \$9 and uses the additional \$2 of each fee to pay the costs incurred by the director of state courts for the operation of the circuit court, court of appeals and supreme court automated information systems and for the payment of interpreter fees.

PUBLIC DEFENDER

Under current law, the state public defender (SPD) provides legal representation to indigent persons in criminal, delinquency and certain related cases. The SPD assigns cases either to staff attorneys in the agency's trial division or local private attorneys. A staff attorney working in the trial division is expected to meet an annual caseload standard. This bill provides that, beginning on July 1, 2000, the SPD may exempt up to ten staff attorneys in the trial division from the annual caseload standards based on the need of those attorneys to perform other assigned duties.

OTHER COURTS AND PROCEDURE

Under current law, the department of agriculture, trade and consumer protection (DATCP) administers and enforces certain consumer protection and trade practices laws. These laws include laws prohibiting or regulating methods of competition, fraudulent representations, fraudulent drug advertising, prize notices, mail-order sales, purchases of vegetables and dairy products from farmers and advertising of telecommunication services. They also include laws relating to weights and measures. A person found to have violated one of these laws is subject to a forfeiture or a fine.

This bill requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The assessments that are

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collected are appropriated to the department of agriculture, trade and consumer protection to pay for providing consumers with information and education.

Currently, the state is immune from most lawsuits. Although state authorities, local governments and state and local governmental officers, employes and agents may be sued, statutory and common law limitations severely limit the types of lawsuits that may be brought against, and the amounts and types of damages that may be recovered from, these entities. Currently, these entities may also limit their liability by contract.

This bill prohibits lawsuits, to the extent that they are now permitted, against these entities for the alleged failure to deal with the failure of a computer system to handle any date, or the inability of a computer system to interpret, produce, calculate, generate, utilize, manipulate, represent or account for any date, if the entities make a good faith effort to address the alleged failure. The immunity provided by the bill may not be waived.

The bill also eliminates current requirements for the state and local governments to pay interest to vendors on late payments arising from date-related failures described above.

Under current law, the governmental unit that provides certain public assistance benefits as a result of an injury, sickness or death that creates a claim or cause of action on the part of a public assistance recipient or beneficiary or his or her estate against a third party must be joined by the plaintiff as a party to the claim or action. The governmental unit has the right to recover from the third party the amount provided in public assistance benefits. This is known as subrogation. The governmental unit may make a claim or maintain an action or intervene in a claim or action by the recipient, beneficiary or estate against the third party. A party that is joined in a cause of action based on subrogation may, among other things, agree to have his or her interests represented by the party who caused the joinder. If this option is selected the subrogated party must sign a written waiver of the right to participate in the action.

Under this bill, if the department of health and family services (DHFS) is joined based on subrogation because of the provision of medical assistance (MA) benefits, DHFS need not take any affirmative action in order to have its interests represented by the party causing the joinder.

Currently, an attorney retained to represent a current or former recipient of public assistance benefits, or the recipient's estate, in asserting a claim that is subrogated, must provide notice of the claim, and of any award or settlement, to the governmental unit that provided the benefits. If an attorney is not representing the current or former recipient of public assistance in asserting a claim that is subrogated, the current or former recipient or his or her guardian must provide the notice. If the recipient is deceased, the personal representative of the recipient's estate must provide the notice if an attorney is not representing the estate.

This bill requires a person against whom a subrogated claim is made, or that person's attorney or insurance company, to provide notice of the claim, and of any

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award or settlement, to DHFS if that person, or that person's attorney or insurer, knows or should know that the claim is subrogated because of the provision of MA benefits. Additionally, under this bill, if DHFS or a county is a subrogated party because of the provision of MA benefits, the subrogation creates a lien on the claimant's recovery, equal to the amount of the MA paid as a result of the injury, sickness or death that gave rise to the claim.

Under current law, DHFS must file a claim against the estate of a recipient of certain health aids for the amount of aid paid to the recipient. If the recipient's spouse or minor or disabled child survives the recipient, and the recipient's estate includes an interest in a home, the probate court must, in the final judgment, assign the interest in the home subject to a lien in favor of DHFS for the amount of DHFS's claim. Currently, small estates may be settled or assigned summarily, in which case a final judgment is not entered. Instead, a summary order is entered. This bill states that the lien requirement extends to cases in which assignment of the home is made by summary order.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law allows up to 15% of the enrollment of the Milwaukee Public Schools (MPS) to attend, at no charge, any private school located in the city of Milwaukee under certain circumstances. The state pays the parent or guardian of the pupil an amount equal to the amount of per pupil aid that MPS receives from the state or an amount equal to the private school's educational cost per pupil, whichever is less. The parent or guardian must endorse the check for the use of the private school. The state reduces the MPS school aid entitlement, for each pupil participating in the program, by the amount of per pupil aid that MPS would otherwise receive.

Under current law, the city of Milwaukee, the University of Wisconsin-Milwaukee and Milwaukee Area Technical College may establish and operate a charter school or may initiate a contract with an individual or group to operate a school as a charter school. For each pupil attending the charter school, the state pays the charter school an amount equal to the shared cost per pupil (the portion of a school district's costs that are aided by the state divided by the school district's enrollment) of MPS and reduces the MPS school aid entitlement by an identical amount.

Current law also generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to \$208.88 per pupil in the 1998-99 school year and, in subsequent school years, to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. To determine the total allowable revenue increase for a school district under the revenue limit, the department of public instruction (DPI) uses a three-year rolling average pupil enrollment, which includes, for MPS, some of the pupils enrolled in the choice program and the charter schools described above. DPI may adjust a school district's revenue limit upwards or downwards for a number of contingencies,

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including transfers of service responsibilities between a school district and another governmental unit and changes in a school district's boundaries. Any school district that received less in revenue per pupil in the previous school year than a revenue ceiling of \$6,100 (low-revenue district) may increase its revenues up to the revenue ceiling. A low-revenue district is not subject to a revenue limit and its concomitant adjustments.

Beginning in the 1999-2000 school year, this bill replaces the per pupil inflation adjustment with a fixed revenue limit of \$208.88 per pupil. The bill also provides that, beginning with aid paid in the 1999-2000 school year, pupils participating in the choice program or attending one of the charter schools described above are not counted in the enrollment of MPS for state aid purposes and are not counted in the three-year rolling average for revenue limit purposes. The MPS school aid entitlement is not directly reduced as a result of such participation or attendance. In addition, the bill directs DPI to adjust the revenue ceiling of a low-revenue school district as if it constituted a revenue limit.

Currently, if a school district's three-year rolling average for the 1998-99 school year is less than the average of the number of pupils enrolled in the school district in the three previous school years, the school district's revenue limit is increased for the 1998-99 school year by the additional amount that would have been calculated had the decline in the three-year rolling average enrollment been 25% of what it was. This bill extends this one-year revenue limit increase for declining enrollment to subsequent school years.

Current law generally provides that the enrollment of a school district in the previous school year must be used to calculate general school aid for the current school year. The enrollment of MPS, however, includes pupils in the choice program in the current school year who were enrolled in grades kindergarten to three in a private school located in Milwaukee in the previous school year and who did not participate in the choice program. This bill eliminates these additional choice pupils from MPS enrollment for calculating general state aid.

Current law provides two special state aid adjustments for any school district that would otherwise receive in any school year less than 85% of the aid that it received in the previous school year. If a school district is eligible for both of these special state aid adjustments, the school district's state aid is increased to an amount equal to 85% of the state aid that the school district received in the previous school year. A school district is entitled to receive a special state aid adjustment only if the additional aid does not result in a state aid payment greater than the school district's shared cost. This bill provides that, if a school district is eligible for both special state aid adjustments, the school district receives the greater adjustment if the additional aid does not result in a state aid payment greater than the school district's shared cost.

Under current law, if a school district exceeds its revenue limit without referendum approval, DPI must reduce the school district's state equalization aid payment by the excess revenue amount. If a school district's equalization aid is less

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than the penalty amount, DPI must reduce the school district's other state aid payments until the remaining excess revenue is covered. If the aid reduction is still insufficient to cover the excess revenues, DPI must order the school board to reduce the property tax levy by an amount equal to the remainder of the excess amount or refund the amount with interest, if taxes have already been collected. DPI does not include the excess revenue in the school district's base. This bill imposes these same penalties on low-revenue school districts that exceed their revenue ceilings.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued January 13, 1998, and to administer fourth and eighth grade promotional examinations to fourth and eighth grade pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district. Beginning in the 2000-01 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt examinations developed by DPI or develop its own examinations. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

This bill provides that a school board must administer the high school graduation examination to all pupils enrolled in a charter school located in the school district other than a Milwaukee charter school described above. The bill also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001-02 school year, the high school graduation examination may be administered only to 11th and 12th graders.

Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000-01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

Under current law, beginning September 1, 2002, a school board may not grant a high school diploma to a pupil unless he or she passes the high school graduation examination. Beginning July 1, 2002, a pupil may not be promoted from the fourth to the fifth grade or from the eighth to the ninth grade unless the pupil passes the fourth and eighth grade promotional examinations. A pupil's parent or guardian, however, may excuse a pupil from taking any of these examinations. A pupil who is excused must satisfy alternative criteria for promotion or graduation.

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This bill imposes upon operators of Milwaukee charter schools the same prohibitions against promotion that are imposed upon school boards. Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking the high school graduation examination.

Under current law, a school board, board of control of a cooperative educational service agency (CESA) or a county children with disabilities education board is eligible for special education aid if the state superintendent of public instruction is satisfied that the special education program has been maintained according to law. This aid is equal to a percentage of the amount expended on special education costs in the preceding school year.

This bill eliminates the reimbursement rates for handicapped education costs and school age parents program costs and directs that aidable costs be fully reimbursed, subject to the availability of funds. The bill also provides that the operator of a Milwaukee charter school described above is eligible for special education aid, on a current school year basis, if the operator operates a special education program and the state superintendent is satisfied that the operator has complied with the federal Individuals With Disabilities In Education Act as though the operator were a school board.

Under current law, a charter school may be established by, among other things, petitioning the school board of the school district in which the charter school will be located to enter into a contract with a person to establish and operate a charter school. Within 30 days after receiving a charter school petition, the school board must hold a public hearing on the petition. The MPS board must grant or deny a petition to establish a charter school within 30 days after the public hearing. If the MPS board denies the petition, the person seeking to establish a charter school may, within 30 days of the denial, appeal the denial to the state superintendent of public instruction, who must decide the appeal within 30 days after receiving it.

This bill requires all school boards to grant or deny a charter school petition within 30 days after the public hearing and permits the person seeking to establish a charter school to appeal a denial of a charter school petition to the state superintendent.

Under current law, the Milwaukee charter schools described above are not instrumentalities of MPS, and the MPS board may not employ any personnel for these charter schools. If, however, the city of Milwaukee contracts with an individual or group operating for profit to operate a charter school, the charter school is an instrumentality of MPS and the MPS board must employ all personnel for the charter school.

This bill provides that if the city of Milwaukee contracts with an individual or group operating for profit to operate a charter school, the charter school is not an instrumentality of MPS, and the MPS board may not employ any personnel for the charter school.

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Current law authorizes the MPS board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district. The MPS board may also close any school that it determines is low in performance. If the MPS board closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school's staff without regard to seniority in service. In addition, the MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours or conditions of employment of the employes who perform those services; or 2) the reassignment of employes who perform services for the board, with or without regard to seniority, as the result of a decision of the board to close or reopen a school or to contract with a person to operate a charter school or convert a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment of the employes who perform those services. This bill extends the above provisions to cover all school boards.

This bill provides that, beginning in 2001, no public school may commence its school term until September 1. The bill specifies that the prohibition does not prevent a school board from holding athletic contests or practices before that date, scheduling in-service days or work days before that date or holding school year-round.

In the 1996-97 and 1998-99 school years, a school board having a school with an enrollment that was at least 50% low-income in the previous school year was permitted to enter into a five-year achievement guarantee contract with DPI on behalf of one school in the school district (and up to ten schools in MPS) if, among other things, in the previous school year that school had an enrollment that was at least 30% low-income. Under these contracts the school district must reduce class size and improve academic achievement in grades kindergarten to three in the school or schools covered by the contract in exchange for receiving state aid.

This bill permits a school board to enter into a five-year achievement guarantee contract beginning in the 2000-01 school year on behalf of one or more schools if, among other things, in the previous school year a school in the school district had an enrollment that was at least 50% low-income and each school on whose behalf the school board contracts had an enrollment that was at least 62% low-income (80% low-income for MPS).

Under current law, a school board may request DPI to waive school board or school district requirements except those pertaining to, among other things, teacher licensing. This bill permits a school board to request a waiver of the teacher licensing requirement.

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This bill prohibits the state superintendent of public instruction from renewing a teaching license unless the person seeking renewal has received training in educational technology.

Current law directs DPI to award a \$2,000 grant in the 1999-2000 school year to any person who is certified by the National Board for Professional Teaching Standards (NBPTS) before July 1, 2000, and who satisfies several additional conditions. In the 2000-01 school year, DPI must award a \$2,500 grant to each person who received a \$2,000 grant, maintains his or certification by the NBPTS and satisfies several additional conditions.

This bill eliminates all of the above dates. Under the bill, a person who becomes certified by the NBPTS receives the initial \$2,000 grant in the school year in which he or she becomes certified. The bill also directs DPI to award the person a \$2,500 grant in each of the succeeding nine years.

Under current law, referenda are required or authorized to be held by school districts to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to MPS. Currently, these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

This bill provides that such referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

Current law directs DPI, the department of administration (DOA) and the legislative fiscal bureau to estimate jointly the amount necessary to appropriate as general school aid to ensure that the total amount of state aid received by all school districts equals two-thirds of total school district revenues from state aid and property taxes.

This bill provides that the amounts received by school districts to compensate them for the reduction in their tax bases due to the property tax exemption for computers is included in the calculation of school district revenues.

Under current law, the state superintendent of public instruction administers four alcohol and other drug abuse prevention and intervention grant programs for school districts. Current law also limits the amount the state superintendent may award under each grant program.

This bill consolidates the alcohol and other drug abuse prevention and intervention programs into one grant program administered by the state superintendent and allows a school board to apply for a grant to fund any kind of alcohol and other drug abuse prevention and intervention program. In addition, the bill eliminates the limit on the amount of each grant that the state superintendent may award.

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This bill directs the state superintendent to award grants to school districts, CESAs and other persons for staff development.

This bill directs the state superintendent to consult with the technology for educational achievement in Wisconsin (TEACH) board before awarding school technology resource grants. School technology resource grants are funded with federal moneys and are awarded to school districts for various educational technology purposes.

Current law authorizes the state superintendent to award a grant to a nonprofit corporation to fund partially the costs of planning, developing and operating a youth village program. A youth village program is a residential program that provides an alternative education for pupils whose life outside school seriously interferes with their educational progress and who are functioning below their grade level in basic academic skills, are behind in academic credits or have a record of poor grades or attendance problems. This bill eliminates the youth village grant program.

This bill directs DPI to award grants to school districts for smoking prevention programs in grades kindergarten to eight. A grant may not exceed \$10,000.

Under current law, DPI distributes general purpose revenue to head start agencies, which provide comprehensive health, educational, nutritional, social and other services to economically disadvantaged children and their families. This bill changes the source of the funding for the head start program and a variety of other early childhood education programs from general purpose revenue to moneys from the federal temporary assistance for needy families block grant.

Under current law, an alternative school for American Indians may voluntarily establish an American Indian language and culture education program. If the alternative school meets certain management and accounting criteria, it is eligible to receive \$185 from DPI for each pupil who completes the fall semester in the program of instruction. This bill increases the aid for which the alternative school is eligible to \$200 per pupil and provides that this aid is paid from moneys derived from Indian gaming receipts.

Under current law, a pupil who transfers from one school district to another to reduce racial imbalance under the interdistrict special transfer program (commonly known as chapter 220) is counted as one pupil for state aid and revenue limit purposes by the school district in which the pupil resides. A school district that participates in the intradistrict special transfer program receives additional state aid.

This bill provides that each interdistrict transfer pupil is counted by the school district in which he or she resides as one-half pupil for state aid and revenue limit

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purposes. The bill also requires MPS to use at least 10% of the intradistrict aid that it receives in each school year to build or lease neighborhood schools.

HIGHER EDUCATION

Current law prohibits the University of Wisconsin Hospitals and Clinics Authority (UWHCA) from issuing bonds or incurring additional indebtedness if the aggregate amount of the UWHCA outstanding bonds, together with all other indebtedness of UWHCA, exceeds \$50,000,000. This bill increases this amount to \$90,000,000. In addition, the bill prohibits UWHCA from issuing any new bonds for the purpose of purchasing a clinic or a hospital.

Under current law, DOA administers the college tuition prepayment program, which allows an individual, a trust or a legal guardian to purchase tuition units from DOA that may be redeemed in the future to pay tuition at any accredited institution of higher education in the United States.

This bill transfers administration of the college tuition prepayment program from DOA to the state treasurer. The bill also makes two modifications to the program. Under current law, if a contract is terminated, under certain circumstances DOA may not issue a refund for one year and may not issue a refund of more than 100 tuition units in any year. This bill eliminates these restrictions and clarifies that tuition units may be used to pay mandatory student fees.

Under current law, the board of regents of the University of Wisconsin (UW) System may exempt up to 200 students at the UW-Parkside campus and up to 150 students at the UW-Superior campus from nonresident tuition in programs identified as having surplus capacity. This tuition award program (TAP) terminates at the end of the 1998-99 academic year. This bill extends the termination date of TAP until the end of the 2000-01 academic year.

Under current law, all academic student fees received by the board of regents of the UW System are credited to an appropriation account that funds degree credit instruction for the UW System. However, the board may, with some exceptions, spend only the amounts in the appropriation schedule for degree credit instruction. This bill, with some exceptions, authorizes the board to spend all academic student fee revenue it receives for degree credit instruction.

This bill directs the board of regents of the UW System to allocate \$1,000,000 from the UW System's general program operations appropriation in each year of the biennium to advance the work of the UW center for tobacco research and intervention.

This bill enumerates in the 1999-2001 state building program a full-scale aquaculture demonstration facility to be built at Ashland and to be operated by the board of regents of the UW System. Under the bill, \$3,000,000 in program revenue supported borrowing is authorized for the construction of the facility. The program

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revenue that will support the borrowing consists of moneys received by the state from the Indian gaming compacts.

Current law directs the technical college system (TCS) board to administer, or contract for the administration of, the telecommunications retraining program. Under the program, which is funded by contributions from telecommunications companies, certain telecommunications industry workers are eligible to receive grants for retraining. The program expires at the end of the 1998-99 fiscal year.

This bill extends the expiration date of the program to June 30, 2000, and requires additional contributions from telecommunications companies if the telecommunications retraining board determines that additional contributions are necessary.

This bill directs the TCS board to produce an annual statewide guide containing information on all of the technical colleges and their programs and to distribute it to students, parents, high school personnel and others. For this purpose, the bill authorizes the board to use up to \$125,000 of the amount appropriated each fiscal year as state aid for the technical colleges.

This bill directs the TCS board to award a grant in the 1999-2001 fiscal biennium to the Waukesha County Technical College for the development of its printing program.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational communications board (ECB) is responsible for overseeing and coordinating the provision of public broadcasting to Wisconsin. In addition, the board of regents of the UW System, as licensee, must manage, operate and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill directs the secretary of administration, the president of the UW System and one person chosen by the governor to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, these persons must prepare and submit to the joint committee on finance (JCF) for JCF's approval an operational plan for the corporation that includes a list of those persons employed by the board of regents and the ECB who are best-suited to provide educational broadcasting services for the corporation and an estimate of the level of funding necessary to cover the corporation's annual operating expenses.

The corporation is entitled to receive state aid for initial administrative expenses if its articles of incorporation state that the purpose of the corporation is to provide educational broadcasting to this state; the articles of incorporation name as initial directors the secretary of administration, two representatives to the assembly, two senators, a member of the board of regents and three individuals

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selected by the governor; and the initial board of directors of the corporation submits an application to the federal communications commission (FCC) to transfer all broadcasting licenses held by ECB and the board of regents to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB and the board of regents to the corporation, the ECB is eliminated on the effective date of the transfer of the broadcasting licenses. In addition, the corporation is entitled to receive additional state aid for operational expenses if, among other things, the board of directors of the corporation offers employment beginning on the effective date of the transfer of all of the broadcasting licenses to those individuals designated in the operational plan; the board of directors of the corporation negotiates with the board of regents and the secretary of administration for the use of state-owned equipment and space necessary for the operations of educational radio and television networks; and the secretary of administration approves any amendment to the corporation's articles of incorporation or bylaws.

This bill requires DOA to prepare a report on the privatization of state-owned and state-leased communications towers that are used for public broadcasting, except for the Milwaukee Area Technical College tower. The report must include a plan for implementing privatization. No later than June 30, 2000, DOA must submit the report to JCF for its approval.

Under current law, the public service commission (PSC) requires certain telecommunications providers to make contributions to the universal service fund. Moneys in the fund must be used for programs administered by the PSC for programs to promote universal access to telecommunications services and affordable access to high-quality education, library and health care information services, including a program for providing institutions with support payments for certain telecommunications services (institutional assistance program), and for certain other PSC programs. In addition, the fund is used for certain programs administered by the TEACH board, including an educational telecommunications access program for providing data lines and video links to certain educational institutions.

This bill eliminates the requirement for the PSC to use moneys in the fund to promote affordable access to high-quality education, library and health care information services. The bill also transfers the institutional assistance program to the TEACH board, which must provide support payments to eligible institutions as determined by the PSC. In addition, all of the PSC's duties regarding the educational telecommunications access program, except the PSC's duties regarding requiring telecommunications providers to contribute to the fund, are transferred to the TEACH board.

Under this bill, federated and consolidated public library systems and the Wisconsin Schools for the Visually Handicapped and the Deaf may also participate in the educational telecommunications access program. The bill allows any educational agency that participates in the program to obtain access to more than one data line if it can show to the satisfaction of the TEACH board that the additional lines are more cost-effective than a single line. An educational agency that obtains

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access to a data line under the program may enter into a shared service agreement with a city, village, town or county (political subdivision) that provides the political subdivision with access to any excess bandwidth on the data line that the educational institution does not use. A political subdivision that obtains access to bandwidth may not receive compensation for providing access to the bandwidth to any other person and no moneys from the universal service fund may be used to pay installation costs that are necessary to provide a political subdivision with access to the bandwidth. The bill also prohibits an educational agency from requesting access to an additional data line under the program for the purpose of providing a political subdivision with access to excess bandwidth and from providing access to a data line under the program to a private business entity.

Current law directs the TEACH board to award educational technology training and technical assistance grants, on a competitive basis, to CESAs and to consortia consisting of two or more school districts or CESAs, or of one or more school districts or CESAs and one or more public library boards. This bill requires that at least one of these grants be awarded annually to an applicant located in the territory of each CESA. The bill also directs the TEACH board, beginning in the 2000–01 fiscal year, to award at least one grant in each fiscal year to an educational organization or consortium of educational organizations for the development and implementation of a foreign language instruction program in a public school in grades kindergarten to six.

Under current law, the Wisconsin Advanced Telecommunications Foundation provides funding for certain advanced telecommunications technology application projects and for efforts to educate telecommunications users about advanced telecommunications services. This bill allows the TEACH board to contract with the foundation to provide administrative services to the foundation.

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans' education and training to the department of veterans affairs. The bill transfers all of the other functions of EAB to HEAB. The bill creates an educational approval council to advise HEAB in carrying out its duties.

Currently, under the Wisconsin higher education grant program, HEAB awards grants to postsecondary resident students enrolled at least halftime in accredited higher education institutions in this state. Students at tribal colleges are not eligible for grants under the program. HEAB is required to promulgate rules establishing policies and procedures for determining dependent and independent student status and calculating expected parental and student contributions under

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the program. Current law specifies a method for HEAB to award these grants to dependent students. HEAB also administers the tuition grant program for students enrolled at accredited, nonprofit, post-high school educational institutions and tribal colleges. In addition, HEAB administers an Indian assistance grant program to assist those Indian students who are residents of this state to receive a higher education. Grants under the Indian assistance grant program are based on financial need. One-half of each such grant is paid by the state with general purpose revenue; the other half is contributed by Indian tribes or bands.

Under this bill, students at tribal colleges are eligible for grants under the Wisconsin higher education grant program, but not for grants under the tuition grant program. The bill appropriates money derived from the Indian gaming receipts to pay for the grants awarded to tribal college students under the Wisconsin higher education grant program and to pay the state's share of each grant under the Indian assistance grant program. In addition, the bill eliminates the requirement for HEAB to promulgate rules regarding student status and expected contributions under the Wisconsin higher education grant program, as well as the method specified for awarding grants to dependent students. The bill requires instead that HEAB award grants under the Wisconsin higher education program based on a formula that accounts for expected parental and student contributions.

Currently, HEAB administers the academic excellence higher education scholarship program that awards scholarships, for up to four years of study, to certain students enrolled at participating institutions of higher education in this state who had the highest grade point averages in their high schools. This bill specifies that this program and its scholarship recipients must be referred to as the governor's scholarship program and governor's scholars, respectively, in all printed material disseminated or otherwise distributed by HEAB.

The state currently appropriates money to the state historical society from the conservation fund for interpretive programming at the Northern Great Lakes Center. This bill designates the Northern Great Lakes Center as a historic site. The bill appropriates money derived from the Indian gaming receipts for the operation of the Northern Great Lakes Center historic site. The appropriation from the conservation fund is not eliminated.

The state currently appropriates general purpose revenue to the arts board to award grants to individuals and groups concerned with the arts and to contract with individuals, organizations, units of government and institutions for services furthering the development of the arts and the humanities. This bill appropriates money derived from the Indian gaming receipts for such grants awarded to, and such contracts entered into with, American Indian individuals, groups, organizations, tribal governments and institutions.

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This bill appropriates money to the Medical College of Wisconsin for the study and prevention of tobacco-related illnesses.

EMINENT DOMAIN

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits to persons displaced by the program or project. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments.

This bill eliminates the authority of the department of natural resources (DNR) to acquire property by condemnation. The bill also provides that if DNR carries out a program or project that causes a person to move or to move his or her personal property, DNR is not required to provide relocation benefits. Under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, however, a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

Finally, the bill authorizes the building commission, at the request of DNR, to acquire property by condemnation for any public purpose. Under current law, the eminent domain authority of the building commission is limited to the acquisition of land that it deems necessary for a site for Madison downtown state office facilities. If the building commission acquires property at DNR's request, whether by condemnation or purchase, it is required to provide relocation benefits.

Under current law, a property owner whose property has been partially condemned for a sewer or transportation facility must pay property taxes in the year of the condemnation for both the condemnee's remaining property and the portion of the property that was awarded to the condemnor. Current law also provides that, in a partial condemnation, the portion of the condemnee's current property tax obligation that applies to the condemnee's remaining property must be subtracted from the award of compensation for the taking. To recover both the condemnor's and the condemnee's prorated share of property taxes, the condemnee must file a claim with the condemnor.

This bill provides that, if the property owner retains a majority interest in the property after the condemnation, the condemnor may choose not to subtract the condemnee's prorated taxes from the award payment and may include the condemnor's prorated taxes in the award payment, thereby eliminating the need for the condemnee to file a claim with the condemnor.

EMPLOYMENT

Current law requires the division of connecting education and work in the department of workforce development (DWD) to administer the youth

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apprenticeship and school-to-work programs provided by DWD under the federal School-to-Work Opportunities Act of 1994. Under the youth apprenticeship program, DWD must approve occupations and develop curricula for youth apprenticeship programs, and may award training grants to employers that provide on-the-job training and supervision for youth apprentices. Under the school-to-work program, DWD must approve statewide skill standards. Also under current law, DWD may award grants to nonprofit corporations and public agencies for the provision of career counseling centers that provide youths with career education and job training information and that assist youths in locating apprenticeship and other work experience opportunities that are related to the youth's education.

This bill eliminates the division of connecting education and work in DWD, creates a governor's work-based learning board attached to DWD and transfers to that board the administration of the youth apprenticeship, school-to-work and career counseling center programs. The bill transfers to the technical college system board the responsibility for developing youth apprenticeship curricula, subject to the approval of the governor's work-based learning board. Under the bill, the governor's work-based learning board is also responsible for administering a study grant program created under the bill for high school graduates who meet or exceed a grade point average determined by the governor's work-based learning board and who enroll in a technical college within one year after high school graduation, and a work-based learning program created under the bill for youths who are eligible to receive federal temporary assistance for needy families.

The bill also directs the governor's work-based learning board to award grants to local partnerships for the implementation and coordination of local youth apprenticeship programs. The bill defines a local partnership as one or more school districts, or any combination of one or more school districts, other public agencies, nonprofit organizations, individuals or other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program. A local partnership that is awarded a grant may use the grant moneys to recruit employers and students to participate in the program; coordinate academic, vocational and occupational learning, school-based and work-based learning and secondary and postsecondary education for participants in the program; assist employers in identifying and training workplace mentors; and perform any other implementation or coordination activity that the governor's work-based learning board may direct or permit the local partnership to perform.

Under current law, the state superintendent of public instruction may award a grant to a nonprofit organization in Milwaukee County that is providing an innovative school-to-work program for children at risk (children who are behind their age group in the number of high school credits attained or in basic skill levels and who are dropouts, habitual truants, parents or adjudicated delinquents) to assist those children in acquiring employability skills and occupation-specific competencies before leaving high school. This bill transfers to the governor's work-based learning board the responsibility for awarding that grant.

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Under current law, the Wisconsin employment relations commission (WERC) must collect fees from parties who request WERC services relating to labor disputes involving fact-finding, mediation or arbitration. This bill requires that WERC collect a fee from any party who requests that WERC assemble a panel of individuals who are not members or employees of WERC to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement.

ENVIRONMENT**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP*****Requirement to clean up hazardous substance spills***

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Courts have held that a person possesses or controls any hazardous substance that is present on property that the person owns. Current law generally exempts a local governmental unit (a city, village, town, county, redevelopment authority and housing authority) from these clean-up requirements with respect to hazardous substance discharges on land acquired in specified ways, such as through tax delinquency proceedings or condemnation.

This bill requires local governmental units to agree to provide access to land that is subject to the exemption for the purpose of letting someone else conduct a cleanup of the discharge. The bill also expands the local governmental exemption from the clean-up requirements in a number of ways:

1. The bill makes community development authorities eligible for the exemption.
2. Under current law, the local governmental unit exemption from clean-up requirements is not available if the discharge is from an underground petroleum storage tank. This bill eliminates that limitation.
3. The bill applies the exemption to land acquired with funds from this state's stewardship program, land acquired through escheat and land acquired from another local governmental unit that is entitled to the exemption. Land is acquired through escheat when the owner dies without a will that disposes of the land and without any heir.
4. The bill exempts a local governmental unit from the requirement to clean up a hazardous substance that has migrated from a property acquired in one of the specified ways to another property.

The bill also exempts a local governmental unit that has acquired property in one of the specified ways from certain requirements relating to hazardous waste if the hazardous waste is cleaned up, DNR approves the cleanup and other conditions are satisfied.

Under current law, a lender who acquires land through enforcement of a security interest is not liable for a discharge of a hazardous substance on that land if certain requirements are satisfied. This bill requires a lender to provide access to

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the land on which the discharge occurred for the purpose of letting someone else conduct a cleanup of the hazardous substance. Under current law, the lender-liability exemption is not available if the discharge is from an underground petroleum storage tank. This bill makes the lender-liability exemption available if the discharge is from an underground petroleum storage tank.

Exemption from clean-up requirement for voluntary parties

Under current law, any person, except for a person who intentionally or recklessly caused the original discharge of a hazardous substance on a property, is called a voluntary party. A voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted and approved by the department of natural resources (DNR), the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge and the voluntary party maintains and monitors the property as required by DNR. This exemption applies even if later changes to the law impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

Under this bill, any person, including a person who intentionally or recklessly caused the discharge of a hazardous substance, is eligible for the voluntary party exemption under the conditions described above. The bill authorizes DNR to require a voluntary party to obtain insurance to cover the cost of a cleanup in case the initial cleanup fails.

The bill also specifies that the voluntary party exemption applies only with respect to hazardous substances released on the property before DNR approves the environmental investigation of the property. In order to qualify for the voluntary party exemption, the bill requires that both the voluntary party's property and any other property affected by a discharge originating from that property be cleaned up. Once DNR approves the cleanup, the voluntary party is exempt from further clean-up requirements on both the voluntary party's own property and any other property affected by a discharge originating from that property.

Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in groundwater on property possessed or controlled by the person if the discharge originated from a source off of the property, the person agrees to allow access to the property so that someone else can conduct a cleanup and the person agrees to any other condition necessary to ensure that an adequate cleanup can be conducted.

Under this bill, for a property affected by an off-site discharge that has contaminated the groundwater and by discharges of other hazardous substances, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if: 1) an environmental investigation

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of the property is conducted and approved by DNR; 2) the property is cleaned up, except with respect to the discharge that originated off-site; 3) DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the discharge that originated off-site; 4) DNR determines in writing that the voluntary party qualifies for the off-site exemption; and 5) the voluntary party maintains and monitors the property as required by DNR.

Currently, a person may be allowed to use natural attenuation to clean up a hazardous substance in groundwater if DNR determines that natural attenuation will bring the groundwater into compliance with groundwater standards within a reasonable period. “Natural attenuation” means the reduction in the amount and concentration of a substance in groundwater that occurs because of natural processes.

Under this bill, if groundwater on a property is contaminated by a hazardous substance in a concentration that exceeds a groundwater standard and DNR determines that natural attenuation will restore groundwater quality, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if: 1) an environmental investigation of the property is conducted and approved by DNR; 2) the property is cleaned up, except with respect to the substance for which DNR approves natural attenuation; 3) DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the substance for which DNR approves natural attenuation; 4) the voluntary party maintains and monitors the property as required by DNR; and 5) if required by DNR, the voluntary party obtains insurance to cover the cost of a cleanup in case natural attenuation fails.

Under this bill, a voluntary party is exempt from the requirements to clean up any hazardous substance discharge on a property that is discovered after two environmental investigations have been conducted and approved by DNR with respect to the property if the voluntary party has obtained insurance to cover the clean-up costs.

Petroleum storage remedial action

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

This bill authorizes the department of commerce to issue revenue obligations, to be paid from revenues deposited in the petroleum inspection fund, to fund the payment of claims under the PECFA program. Revenue obligations issued under this bill may not exceed \$450,000,000 in principal amount. See **STATE GOVERNMENT, STATE FINANCE**.

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Under current law, the department of revenue (DOR) collects a petroleum inspection fee of three cents per gallon on petroleum products that are received for sale in this state. The fee is deposited in the petroleum inspection fund and is used to fund PECFA as well as various other programs.

This bill requires the department of commerce to change the amount of the petroleum inspection fee under specified conditions. If the amount of unpaid PECFA claims, as of June 30 of an odd-numbered year, exceeds \$10,000,000, the department must increase the fee, effective the following April 1, as necessary to increase annual revenues by the amount by which unpaid claims exceed \$10,000,000. If the balance in the petroleum inspection fund on June 30 of an odd-numbered year exceeds \$10,000,000 and no PECFA revenue bonds are outstanding, the department must reduce the fee, effective the following April 1, as necessary to reduce annual revenues by \$5,000,000 or the amount by which the balance in the fund exceeds \$10,000,000, whichever is greater.

Currently, PECFA reimburses applicants for interest costs incurred in financing a cleanup, but that reimbursement is limited to interest at 1% over the prime rate. Under this bill, PECFA does not reimburse interest costs incurred by an applicant in financing a cleanup if the applicant has annual gross revenues in excess of \$20,000,000. For other applicants, the PECFA interest reimbursement is limited to interest at 5%. The limits on interest reimbursements apply to interest incurred after October 31, 1999, on claims filed after October 31, 1999.

Under current law, DNR generally may order a responsible person to conduct a cleanup of a hazardous substance that has been discharged into the environment and may oversee the cleanup. However, under current law, the department of commerce may order and oversee cleanups of certain discharges from petroleum product storage tanks. The department of commerce has authority over cleanups if the site of the discharge is classified as low or medium priority based on the threat that the discharge poses to public health, safety and welfare and to the environment and if the site is not contaminated by nonpetroleum hazardous substances. Current law requires DNR and the department of commerce to enter into a memorandum of understanding that establishes procedures and standards for determining whether a site is high, medium or low priority. Under this state's groundwater law, DNR and the department of health and family services set enforcement standards. An enforcement standard represents a concentration of a substance in groundwater.

This bill requires the department of commerce to establish the standards for categorizing sites of petroleum product discharges by rule, rather than by memorandum of understanding. The bill requires the department of commerce and DNR to attempt to agree on the standards. The bill prohibits the departments from providing, in those standards, that all sites at which a groundwater enforcement standard has been exceeded are high priority. The bill also requires the departments to design the standards to classify no more than 50% of sites as high priority. If the departments cannot agree on the standards, the secretary of administration must resolve the disagreement.

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Under PECFA, the owner of a petroleum product storage tank may receive an award for the amount by which the cost of the cleanup exceeds a deductible amount, up to a specified maximum. The current maximum for underground tanks varies from \$100,000 for small farm tanks to \$1,000,000 for tanks located at a facility at which petroleum is stored for resale and tanks that handle an average of more than 10,000 gallons of petroleum per month.

This bill changes the maximum PECFA award for any underground petroleum product storage tank to \$100,000 if the site of the discharge from the tank is classified as medium priority or low priority under the classification system promulgated by rule by the department of commerce. The change in the maximum PECFA award applies to PECFA claims for which remedial action plans are approved after November 30, 1999.

Currently, the PECFA deductible for underground tanks is generally \$2,500 plus 5% of eligible costs, but not more than \$7,500, except that the deductible for heating oil tanks owned by school districts and technical college districts is 25% of eligible costs.

This bill changes the PECFA deductible amount for certain underground petroleum product storage tanks. Under this bill, the deductible for an underground petroleum product storage tank that is located at a facility at which petroleum is stored for resale or an underground petroleum product storage tank that handles an annual average of more than 10,000 gallons of petroleum per month is \$10,000, plus \$2,500 if the eligible costs exceed \$50,000, plus \$2,500 more if eligible costs exceed \$80,000, plus \$10,000 more for each whole \$100,000 by which eligible costs exceed \$150,000, except that the department of commerce may, by rule, exempt a class of owners and operators from this higher deductible.

The bill also changes the PECFA deductible amount for aboveground storage tanks located at terminals from \$15,000 plus 5% of the amount by which eligible costs exceed \$200,000 to \$15,000 plus 15% of the amount by which eligible costs exceed \$200,000. A terminal is a facility that is connected to a petroleum pipeline.

This bill authorizes the department of commerce to promulgate rules for assigning award priorities to cleanups under PECFA, except for cleanups of discharges from home heating oil tanks, small farm tanks and heating oil tanks owned by school districts. If the department promulgates the rules, it must pay PECFA awards, for cleanups that begin after the rules take effect, in order of the award priorities under the rules. The bill requires the department to inform the owner or operator of a petroleum product storage tank of the date on which it is appropriate to begin a cleanup, based on when the department estimates funding will be available for an award for the cleanup. The bill authorizes an owner or operator to delay beginning a cleanup until the date that the department determines it is appropriate to begin the cleanup. The bill also authorizes the department to deny PECFA reimbursement for interest costs if an owner or operator begins a cleanup before the appropriate beginning date as determined by the department.

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This bill authorizes the department of commerce to require a person to pay a fee as a condition of submitting a bid to provide a service for a cleanup under PECFA. If the department of commerce imposes a fee, the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting a cleanup exceed the amount bid to conduct the cleanup.

This bill requires the department of commerce and DNR to report information every six months about petroleum product cleanups that are in progress.

Dry cleaner environmental response program

Under current law, DNR administers the dry cleaner environmental response program, under which owners and operators of dry cleaning facilities are reimbursed a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. This program is funded, in part, by dry cleaning license, solvent and inventory fees that are paid by owners and operators of dry cleaning facilities. As a condition of receiving reimbursement, owners and operators of closed dry cleaning facilities must pay annually for 30 years the average yearly dry cleaning license fee and an amount equal to the total amount collected as annual dry cleaning solvent fees divided by the number of operating dry cleaning facilities for that year. These required fees are in addition to the deductible owners and operators must pay before receiving a reimbursement.

This bill eliminates the requirement that operators of closed dry cleaning facilities pay annual fees for 30 years. Instead, the bill requires owners of dry cleaning facilities to pay as part of the deductible an amount equal to 30 times the average license fee for the year in which the reimbursement is made and an amount equal to 30 times the total collected as solvent fees divided by the number of operating dry cleaning facilities for the year. This bill also increases the deductible for closed facilities when eligible costs exceed \$200,000.

Currently, financing costs are reimbursable costs under the dry cleaner environmental response program. This bill excludes financing costs from reimbursable costs under the program.

Under current law, the first priority for reimbursement under the dry cleaner environmental response program is reimbursement for immediate action activities (activities taken within a short time after a discharge occurs or after a discharge is discovered). After reimbursements for immediate action activities, DNR is required to give highest priority to paying reimbursements for eligible costs incurred before October 14, 1997.

This bill requires DNR each year, after paying reimbursements for immediate action activities, to make a specified portion of the funds available to pay reimbursements for eligible costs incurred before October 14, 1997, and to use the rest of the funds to pay reimbursements for costs incurred on or after October 14, 1997.

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This bill requires applicants under the dry cleaner environmental response program to notify DNR of insurance claims made for the costs of cleanup of a dry cleaner solvent spill and to disclose the amount of insurance proceeds received. The bill also requires applicants to notify DNR if they intend to file suit against an insurance company to recover clean-up costs and allows DNR to join a private suit filed by an applicant against an insurance company for the purpose of recovering clean-up costs.

Under the dry cleaner environmental response program, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full site investigations and cleanup plans. The reimbursement for preliminary site screening and interim equipment may not exceed \$15,000, of which not more than \$2,500 may be for the preliminary site screening.

Under this bill, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening.

The dry cleaner environmental response program is currently funded from the dry cleaner environmental response fund, a segregated fund. Under current law, DNR is authorized under certain circumstances to fund cleanups of hazardous substance discharges from the environmental fund, another segregated fund.

Under this bill, if DNR funds a cleanup of a discharge of dry cleaning solvent from the environmental fund, DNR must transfer from the dry cleaner environmental response fund to the environmental fund an amount equal to the amount expended from the environmental fund for the cleanup. DNR must make the transfer when it determines that sufficient funds are available.

Other hazardous substances and environmental cleanup

This bill authorizes a local governmental unit to recover costs it incurs in cleaning up a property on which a hazardous substance has been discharged if the local governmental unit acquired the property in one of several specified ways, including through tax delinquency proceedings or condemnation. The local governmental unit may recover the costs from a person who possessed or controlled the hazardous substance at the time that the local governmental unit acquired the property or who caused the discharge of the hazardous substance, unless the person is exempt from the requirement to clean up the property under the hazardous substances spills law.

This bill creates a brownfields site assessment grant program to be administered by DNR. Under the program, cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities may apply for a grant to conduct preliminary clean-up activities at brownfield sites. The grants specifically cover the costs of investigating

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environmental contamination, demolishing structures and removing abandoned containers and asbestos. Applicants who receive a grant under the program must contribute matching funds equal to 20% of the grant and are required to pay back the grant if they receive a loan under the land recycling loan program to conduct the same clean-up activities.

Currently, under the land recycling loan program, this state provides loans to cities, villages, towns and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are provided at subsidized interest rates.

This bill provides that recipients of loans under the land recycling loan program are not required to pay any interest. The bill also makes redevelopment authorities and housing authorities eligible for loans under the program.

The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 1999-2001 fiscal biennium at \$9,400,000.

Under current law, the department of commerce regulates tanks that store flammable and combustible liquids. This bill requires the department of commerce also to regulate tanks that store liquids that are considered hazardous substances under the federal Superfund Act. Under current law, the department of commerce collects a \$100 groundwater fee for plan review and approval for tanks that store flammable and combustible liquids and that have a capacity of 1,000 gallons or more. Under this bill, the groundwater fee also applies to plan review of tanks that store liquids that are considered hazardous substances under the federal Superfund Act and that have a capacity of 1,000 gallons or more.

WATER QUALITY

Under the clean water fund program, this state currently provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided is a loan at a subsidized interest rate. The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund program during that fiscal biennium. This bill sets the present value of the clean water fund program subsidies that may be provided during the 1999-2001 fiscal biennium at \$87,400,000.

Currently, under the safe drinking water loan program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget act for each fiscal biennium establishes the present value of the subsidies that may be provided under the safe drinking water loan program during that fiscal

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biennium. This bill sets the present value of the safe drinking water loan program subsidies that may be provided during the 1999–2001 fiscal biennium at \$5,200,000.

Under current law, the state is authorized to contract public debt in an amount not to exceed \$12,130,000 to fund the safe drinking water loan program. This bill increases that amount to an amount not to exceed \$16,000,000.

One form of assistance that the clean water fund program, the safe drinking water program and the land recycling loan program provide is a loan at a subsidized interest rate. Another form of assistance is a payment to the board of commissioners of public lands to reduce interest payments on a loan from the board for a project that is eligible for assistance under one of the programs.

This bill provides that a payment to the board of commissioners of public lands under the clean water fund program, the safe drinking water loan program or the land recycling loan program may not exceed the amount of subsidy necessary to provide the loan directly under the clean water fund program, the safe drinking water loan program or the land recycling loan program.

Under current law, DNR, in conjunction with the department of agriculture, trade and consumer protection (DATCP), the land and water conservation board (LWCB) and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Current law authorizes the issuance of general obligation bonds as one source of funding for the financial assistance under the nonpoint source program. This bill increases the bonding authority for the nonpoint source program from \$34,363,600 to \$48,763,600.

Current law authorizes DNR to provide cost-sharing grants for projects to assist agricultural facilities to comply with nonpoint source water pollution control requirements established by DNR and DATCP. These cost-sharing grants are currently funded with proceeds of general obligation bonds. This bill increases the bonding authority for the cost-sharing grants from \$2,000,000 to \$4,000,000.

Under current law, the nonpoint source program is funded with general purpose state revenues, segregated revenues from the environmental fund and proceeds of state bonds. This bill provides additional funds for financial assistance under the nonpoint source program from moneys paid to this state under Indian gaming compacts. The bill also provides funds to be paid to the Oneida Nation under the nonpoint source program from moneys paid to this state under Indian gaming compacts.

Under current law, persons who discharge wastewater into the waters of this state are required to pay an annual wastewater discharge fee to DNR. DNR is required to structure the fee so that municipalities that are subject to the fee pay 50% of the total charged and other persons that are subject to the fee pay the other 50%.

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Currently, DNR may not charge total fees that exceed \$7,450,000. This bill changes the cap on the wastewater discharge fee to \$7,925,000.

Under current law, DNR and the department of health and family services establish standards for the concentration of contaminants in groundwater. When the groundwater standards are exceeded, action must be taken under this state's groundwater law. This bill authorizes DNR to charge a fee for placing information concerning a property on which a groundwater standard is exceeded into a database.

AIR QUALITY

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This bill establishes a new facility fee for stationary sources that emit a total of at least five tons of the pollutants on which the current fee is based. The fee ranges from \$50 to \$20,000, depending on the total amount of those pollutants emitted.

Under current law, generally a person may not begin construction of a stationary source of air pollution without a construction permit issued by DNR. This bill authorizes DNR to issue general construction permits, each of which may cover numerous similar stationary sources of air pollution.

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects regulated by DNR. The fees may not exceed \$200 per project. This bill raises the limit on fees for inspecting nonresidential asbestos demolition and renovation projects to \$210.

Under current law, the department of justice (DOJ) generally is responsible for taking actions in court to enforce environmental laws. This bill authorizes DNR to issue a citation (similar to a traffic ticket) if it determines that a person has violated certain of DNR's rules related to asbestos abatement and management. The bill requires DNR to promulgate rules, which must be approved by DOJ, specifying the violations for which citations may be issued. Under the bill, the same procedures are used for the issuance of a citation and the collection of a forfeiture as are used for hunting and fishing violations.

RECYCLING

Under current law, DNR administers a financial assistance program to assist with costs related to operating recycling programs and for complying with the prohibition on disposing of yard waste in landfills. The amount of a grant under the program is generally the lesser of 66% of eligible net costs or \$8 per person served,

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except that, if the lesser of those two amounts is less than 33% of the eligible expenses, the amount of the grant is 33% of the eligible expenses.

This bill reduces the maximum amount of a grant that may be awarded under this financial assistance program. Under the bill, the amount of a grant is the greater of 66% of eligible net costs or 33% of the eligible expenses, except that the grant may not exceed \$8 per person. This change effectively sets a maximum grant amount of \$8 per person and makes grants based on 33% of the eligible expenses subject to proration of grants if the sum of grants payable under the program exceeds available funds. The financial assistance program currently expires after 2000. This bill extends the program through 2001.

Current law prohibits the disposal of listed recyclable materials in a landfill. The prohibition does not apply to any city, village, town, county or other governmental unit that is responsible for the region's solid waste management (responsible unit) and that operates an effective recycling program. A recycling program is an effective recycling program if it meets specified criteria. In addition to the exception from the disposal prohibition, a responsible unit that administers an effective recycling program is eligible for a state grant to reimburse the responsible unit for some of its costs incurred in operating the effective recycling program.

Under current law, beginning in 2000, a responsible unit's recycling program is an effective recycling program only if the responsible unit has in place a system of volume-based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state. This criterion does not apply to any responsible unit that separates for recycling at least 25% by volume or by weight of the solid waste collected within the region by the responsible unit or by any person under contract with the responsible unit, or to any responsible unit that provides solid waste to an operating solid waste treatment facility under a contract that was in effect on January 1, 1993.

This bill eliminates the requirement that, to have its recycling program considered an effective recycling program, a responsible unit have in place a system of volume-based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state.

The recycling market development board (board), which is attached to the department of commerce and which will be eliminated on June 30, 2001, has various powers and duties related to recycling, including awarding financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste. The board may contract with other persons to accomplish any of its powers and duties. Funding for the board's contracts comes from the recycling fund. Funding for the financial assistance that the board awards comes from the recycling fund and from repayments of loans made by recipients of financial assistance awarded by the board. This bill eliminates the recycling fund as a funding source for the board's contracts and financial assistance and provides that the

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funding for both comes solely from repayments of loans made by recipients of financial assistance awarded by the board.

The department of commerce made loans before July 1, 1995, for various purposes related to recycling. Repayments of those loans are deposited in the recycling fund. This bill provides that repayments of those loans are to be used to fund the board's contracts and financial assistance that the board awards.

This bill requires DNR to award grants of \$75,000 on September 1, 1999, and \$50,000 on July 1, 2000, to the Wheelchair Recycling Project for the purpose of refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment.

OTHER ENVIRONMENT

In 1998, DNR and Winnebago County entered into an agreement under which the county agreed to accept sediments that are dredged from the Fox River and that are contaminated with polychlorinated biphenyls (PCBs) for disposal in the county's landfill.

This bill authorizes DNR to enter into an agreement with Winnebago County under which this state indemnifies the county against any liability or damage resulting from the county's acceptance of PCB-contaminated sediments if the sediments are disposed of in a manner approved by DNR. The bill also authorizes DNR to enter into an agreement with the city of Oshkosh under which this state indemnifies the city against any liability or damage resulting from the city accepting PCB-contaminated leachate from the landfill that contains the PCB-contaminated sediments.

Current law provides a process for negotiation and arbitration between a person who wishes to construct or expand a landfill or a hazardous waste facility and a committee representing those affected municipalities and counties that choose to participate in the process. An affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within 1,500 feet of the area in which waste would be treated, stored or disposed of. Other municipalities may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county and other affected municipalities plus two, whichever is greater.

Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus two, whichever is greater.

Under current law, DNR may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or DATCP or

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certified or registered by another state or a federal agency that recognizes laboratory certification by DNR and that uses standards equivalent to this state's standards.

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory, this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

Under current law, DNR, the department of commerce and the board of regents of the University of Wisconsin (UW) System are required to promote hazardous pollution prevention, which means changes in processes or raw materials that reduce or eliminate the use or production of hazardous substances, toxic pollutants and hazardous waste. This bill requires DNR, the department of commerce and the board of regents of the UW System to promote pollution prevention, which means an action that prevents waste from being created, reduces the amount of waste that is created or changes the nature of waste being created in a way that reduces the hazards to public health or the environment posed by the waste.

GAMBLING

Under current law, the compensation paid to a retailer who sells lottery tickets is 5.5% of the retail price of the lottery tickets. In addition, under current law, the compensation paid to a retailer who sells scratch-off or instant games is 6.25% of the retail price of scratch-off or instant games. This bill authorizes the department of revenue to establish, by rule, a program to provide for additional compensation to be paid to retailers who meet certain performance goals. Under this program, the total compensation provided to retailers who meet the performance goals may not exceed 1.0% of gross lottery revenues.

Under current law, the department of health and family services may award grants to individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns. These grants are funded from the lottery fund, from revenues generated by pari-mutuel wagering and from moneys paid to the state under Indian gaming compacts. This bill provides that the grants must be funded entirely from moneys paid to the state under Indian gaming compacts.

HEALTH AND HUMAN SERVICES**LONG-TERM CARE; FAMILY CARE*****Current law***

Currently, home and community-based long-term care is provided to persons who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent as a benefit under one or more programs administered by the

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department of health and family services (DHFS). These programs are funded by federal, state or, in some instances, county moneys, and each program has individualized eligibility criteria and benefit restrictions. For elderly and disabled persons, these programs include medical assistance (MA), the long-term support community options program (COP), three community integration programs (CIPs) and community aids. MA is a comprehensive jointly funded federal-state health program for persons with low income and few assets. COP provides assessments of functionality and home and community-based care to, among others, elderly and disabled persons as an alternative to institutionalized care; one part of COP is funded by state moneys and the other part is funded under a joint federal-state program under a waiver of federal medicaid laws. Under other joint federal-state programs under waivers of federal medicaid laws, CIPs provide home and community-based services and continuity of care for persons relocated from institutions, including state centers for the developmentally disabled, and persons who meet requirements for MA reimbursement in nursing homes.

Currently, under a pilot project, DHFS contracts with a public or private entity to serve as a clearinghouse of information for individuals who are interested in home or community-based long-term support services or institutional long-term care services and to perform assessments to determine an individual's functional abilities, disabilities, personal preferences and need for home or community-based services or institutional services. Under a second pilot project, DHFS may contract with counties or federally recognized American Indian tribes or bands to demonstrate the ability of counties or tribes or bands to manage all long-term care programs under a long-term care management organization.

Currently, nursing homes are prohibited from admitting patients until a physician has completed a plan of care and the patient has been assessed under COP or the long-term care pilot project or has waived the assessment.

Creation of family care benefit, resource centers and care management organizations

This bill establishes a program of financial assistance for long-term care and support items, called a family care benefit, for persons who are eligible and are enrolled in a care management organization, an entity whose attributes are established in this bill. The family care benefit is funded by general purpose revenue appropriated for MA, COP and community aids. DHFS must request from the federal secretary of health and human services any waivers of federal medicaid laws necessary to permit the use of federal moneys to provide the family care benefit to recipients of MA; however, regardless of whether a waiver is approved, DHFS may implement the family care benefit. Persons are eligible for, but not necessarily entitled to, the family care benefit if they are at least 18 years of age, do not have a primary disabling condition of mental illness, substance abuse or developmental disability and meet certain functional and financial eligibility criteria. A person is entitled to the family care benefit and may enroll in a care management organization if he or she is financially eligible, meets cost-sharing requirements and meets any of several functional eligibility requirements or if he or she has a primary disabling condition of developmental disability and was a resident of a county or member of a

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tribe or band that operated a care management organization under a pilot project. Divestment prohibitions, prohibitions on treatment of certain trusts, provisions on protection of income and resources of a couple for maintenance of a spouse in the community, and estate recovery provisions, all of which correspond to similar prohibitions and provisions under MA, apply to enrollees. A client may contest denial of eligibility, the determination of cost sharing, denial of entitlement, failure to provide timely services and support items in the plan of care, reduction of services or support items, development of an unacceptable plan of care and termination of the family care benefit, by filing a written request for a hearing within 45 days after receipt of notice of the contested matter.

The bill establishes requirements for a resource center, which, among other things, must provide information and referral services, determine functional and financial eligibility for the family care benefit, assist persons to enroll in a care management organization and determine eligibility for certain other benefits, including MA. Within six months after the family care benefit is available to all eligible persons in the area of the resource center, the resource center must provide information about its services to all older persons and persons with physical disabilities who reside in nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes in the area of the resource center. A resource center must have a governing board that reflects the ethnic and economic diversity of the geographic area served by the resource center, and at least one-fourth of the governing board's members must be older persons or persons with physical or developmental disabilities or family members, guardians or other advocates of such persons.

The bill establishes requirements for a care management organization, which must accept the enrollment of persons who are entitled to the family care benefit, as well as the enrollment of persons who are eligible for the family care benefit and for whom funding is available. Under a contract with DHFS, the care management organization must, among other things, conduct a comprehensive assessment for each enrollee, develop a comprehensive care plan for the enrollee and provide or contract for the provision of necessary services. DHFS may, by contract, require solvency protections for a care management organization. A care management organization must have a governing board that is subject to requirements that are similar to those for the governing board of a resource center. The bill specifically exempts a care management organization from requirements for licensure as a home health agency.

Under the bill, DHFS must prescribe and implement a per person monthly rate structure for costs of the family care benefit. DHFS also must prescribe and enforce performance standards for the operation of resource centers and care management organizations, conduct ongoing evaluations of the system implementing the family care benefit and ensure that independent organizations conduct reviews of the quality of management and service delivery of resource centers and care management organizations.

SENATE BILL 45***Family care district***

This bill authorizes county boards of supervisors to create, on a single county or multicounty basis, family care districts. Under the bill, a family care district is a separate local unit of government, the primary purpose of which is to operate a resource center or a care management organization, but not both. The jurisdiction of the family care district is the county or counties of the county board or boards of supervisors who created the district. The family care district's board is appointed by the county board or boards of supervisors and must consist of 15 persons for a single county and, for a multicounty family care district, an additional member for each county in excess of two. Board members must be residents of the family care district's jurisdiction and must satisfy certain additional requirements.

The bill grants to a family care district various local government powers, including the power to adopt and alter an official seal; adopt bylaws and policies and procedures to regulate its affairs; sue and be sued; negotiate and enter into leases and contracts; employ agents, employes or special advisers; and buy, sell or lease property. However, a family care district may not issue bonds or levy a tax or assessment. Under the bill, a family care district must appoint a director, who must manage the family care district's property, business and employes. The family care district must also develop and implement a personnel structure and other employment policies. With respect to the hiring of employes who formerly were county employes to perform the same or substantially similar functions that they previously performed, the family care district must perform certain tasks to ensure that the employes' compensation, benefits, seniority and status in class under county employment are not diminished. If the county has established its own retirement system the county must include family care district employes in participation and applicable benefits.

Numerous laws that apply to special purpose districts and local units of government apply to the family care district, including, among others:

1. The members of the family care district governing board and the director of the family care district are subject to the code of ethics for local government officials.
2. The family care district is exempt from the sales and use taxes.
3. The family care district is subject to public employe occupational safety and health laws.
4. The family care district is governed by unemployment compensation laws.
5. The family care district may participate in the local governmental property insurance fund.
6. The family care district is governed by municipal administrative procedures concerning constitutionally protected rights.
7. Persons attempting to sue the family care district are subject to limitations on actions that may be brought against it and limitations as to the filing of the notice of the injury and recoverable damages.

The bill also provides that a family care district:

1. Must adhere to the open records laws, except in certain circumstances.
2. Must adhere to the open meetings laws.

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3. Is subject to auditing by the legislative audit bureau and review of its performance by the joint legislative audit committee.

4. Is an employer for all purposes of the municipal employment relations laws; as such, employes of the district may organize and seek to establish all terms of wages, hours and conditions of employment through collective bargaining.

5. Is subject to prohibitions on public funding for abortions and for abortion-related activities.

6. May participate in the local government pooled-investment fund.

7. Is exempt from local property tax and income tax.

8. Is subject to laws regulating buildings and safety.

9. Is governed by state minimum wage and hour and family and medical leave laws and is subject to worker's compensation laws.

10. May participate in programs of state retirement, health and long-term care benefits, disability benefits and survivor benefits, deferred compensation plans, employe-funded reimbursement accounts and health insurance premium credits and be included as a coverage group under social security.

11. Is an employer for the purposes of coverage for group and individual health benefits and for small employer health insurance.

12. Is a municipality for the purposes of laws relating to the publication of legal notices.

Under the bill, obligations and debts of a family care district are not the obligations or debts of the county that created the family care district. A family care district may be dissolved by joint action of the family care district board and the county board or boards of supervisors that created the district, subject to performance of its contractual obligations and approval by the secretary of health and family services. If the family care district was created by more than one county, the county boards of supervisors that created the district must agree on the apportioning of the district's property before dissolution may occur.

Expansion of pilot projects

This bill authorizes DHFS to continue contracting with counties or American Indian tribes or bands under the current pilot projects until July 1, 2001. After that date, DHFS may contract with one or more entities certified as meeting requirements for a resource center and for services of an entity as a care management organization. During the first 24 months in which a county has a contract with DHFS under which the county accepts a per person per month payment for each enrollee in the county's care management organization, the authority of DHFS to contract with another organization to operate a care maintenance organization in that county is restricted.

Under the bill, a county, an American Indian tribe or band, a family care district or an organization may not directly operate both a resource center and a care management organization. If a county board of supervisors and the county executive or county administrator apply to DHFS for a contract to operate a resource center, the county board may create a family care district to apply to DHFS for a contract to operate a care management organization; if the county board and the county executive or administrator apply for a contract to operate a care management

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organization, the county board may create a family care district to apply to DHFS for a contract to operate a resource center. If the governing body of an American Indian tribe or band elects to apply for a contract to operate a resource center, the tribe or band members may form a separate corporation to apply for a contract to operate a care management organization; if the governing body elects to apply for a contract to operate a care management organization, the tribe or band members may form a separate corporation to apply for a contract to operate a resource center. A county or family care district may apply jointly with a tribe or band or tribal or band corporation for a contract to operate a care management organization or resource center.

The bill authorizes a county department of social services, human services, developmental disabilities services or community programs or an aging unit authorized by the applicable county board of supervisors to apply to DHFS to operate a resource center or a care management organization. The bill also authorizes the secretary of health and family services, in order to facilitate the transition to the family care benefit system, to grant a county limited waivers to certain COP and CIP statutes and rules promulgated under those statutes.

Requirements of care facilities

This bill requires the secretary of health and family services to certify to each county, nursing home, community-based residential facility, adult family home and residential care apartment complex the date on which a resource center that serves the area of the county, home, facility or complex is first available to provide a functional and financial screen to specific groups of eligible individuals or for specified facilities. Each affected nursing home, community-based residential facility, adult family home and residential care apartment complex must inform prospective residents of the facility about the services of the resource center, the family care benefit and the availability of a functional and financial screen to determine eligibility. Also, these facilities and hospitals must refer to the resource center any person who seeks admission and who is aged at least 65 years or has a physical disability, unless the person has received a screen for functional eligibility within the previous six months, is entering the facility only for respite care or is an enrollee of a care management organization. Failure to comply with these requirements subjects the facility to an administrative forfeiture. Current prohibitions on the admittance to nursing homes of persons without a COP or other assessment do not apply to persons for whom the secretary of health and family services has certified that a resource center is available.

Council on long-term care and board on aging and long-term care

This bill creates in DHFS a 15-member council on long-term care that terminates on July 1, 2001. The council must assist DHFS in developing policy related to long-term care issues. The council also must review and make recommendations to DHFS concerning the DHFS standard contract provisions for resource centers and care management organizations, the family care benefit and other matters, and must monitor patterns of complaints, persons on waiting lists and patterns of enrollments and disenrollments.

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The bill makes several changes to the membership of the board on aging and long-term care and requires the board to contract with organizations to provide advocacy services, including negotiation, mediation and assistance in administrative hearings or judicial proceedings, to potential or actual recipients of the family care benefit or their families or guardians.

OTHER LONG-TERM CARE

Under current law, a county may not use COP or CIP funds to provide services to an individual who resides in a community-based residential facility unless the individual receives, before admission, an assessment of his or her functional abilities, disabilities and need for medical and social long-term community support services.

Current law also requires a community-based residential facility, prior to admitting a person, to prepare a statement of financial condition for a person who intends to pay for residence in the facility from private funds. The statement of financial condition must estimate a date, if any, by which the person's assets and other private funding would be depleted if he or she were to reside continuously in the community-based residential facility. If that date is less than 24 months after the date of the statement of financial condition, the community-based residential facility must provide the statement to the county department of social services.

This bill allows a county, in accordance with guidelines established by DHFS, to waive the requirement to conduct a functional assessment prior to a person's admission to a community-based residential facility. However, if a person applies for admission to a community-based residential facility on or after the date that this bill becomes law and his or her statement of financial condition indicates that, if the individual were to reside in the community-based residential facility, his or her assets and other private funds would be depleted within 12 months, the community-based residential facility must refer him or her to the county department of social services to determine whether an assessment should be conducted.

Currently, revenues received by DHFS from skilled nursing facility violation forfeiture assessment surcharges and interest pay for certain costs that are associated with the violations, such as resident relocation to another facility and reimbursement for misappropriated property. This bill permits DHFS to use a portion of the penalty assessment surcharge and interest revenues for innovative projects that aim to protect health and property of residents of skilled nursing facilities.

PUBLIC ASSISTANCE

Under current law, a county department of human services or social services (county department) or, in Milwaukee County, DHFS must make payments of \$215 per month to a relative of a child who is providing care and maintenance for the child if certain conditions are met (kinship care and long-term kinship care). Under this bill, a county department or DHFS may, but is not required to, make those payments

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if certain conditions are met. The bill also provides that, notwithstanding fulfillment of the conditions of eligibility for the receipt of those payments, a relative who is providing kinship care or long-term kinship care for a child is not entitled to receive those payments.

Under current law, a parent who receives federal supplemental security income (SSI), or a state supplemental payment, receives a monthly supplemental payment of \$100 for each dependent child with whom the parent lives, if certain conditions are met. This bill increases that monthly supplemental payment to \$150 per dependent child.

Current federal law permits states to establish a demonstration project under which certain low-income individuals may establish savings accounts, referred to as individual development accounts. The funds deposited into an individual development account may be used for certain expenses associated with postsecondary education, first home purchases, business capital expenses or medical expenses, to meet necessary living expenses following loss of employment or to make payments necessary to prevent the eviction of the individual from his or her residence or the foreclosure on the mortgage for the principal residence of the individual. An individual may only deposit earned income into the account. For every dollar that the individual deposits into the account, the administering state or local agency or American Indian tribal governing body, or a qualified nonprofit agency, must deposit at least 50 cents and not more than four dollars into that account. The federal government makes a grant to the matching contributor that equals the lesser of the aggregate amount of funds committed as matching contributions from nonfederal funds or \$1,000,000.

This bill allows the department of workforce development (DWD) to establish an individual development account demonstration project in this state in accordance with the federal law.

Under current law, DWD is required to recover benefit overpayments made under the aid to families with dependent children (AFDC) program and under the Wisconsin works (W-2) program (this state's welfare reform initiative which emphasizes work for benefits).

This bill permits DWD to recover overpaid AFDC or W-2 benefit amounts from former benefit recipients by issuing a warrant directed to the clerk of circuit court. The warrant is considered a perfected lien upon the person's right, title and interest in all real and personal property. DWD may then file an execution commanding the sheriff of any county in which property of the person is found to collect and sell sufficient property to pay the amount stated in the warrant.

The bill also allows DWD to collect the overpaid AFDC or W-2 benefits by levy upon any property of the person to whom the benefits were paid. Under the bill, such a person who refuses to surrender the property is subject to enforcement proceedings. A third party who fails to surrender property that is subject to a levy is liable for up to 25% of the amount the debt. The bill sets forth the process for

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serving the levy and releasing the levy. The bill also exempts certain wages, the first \$1,000 in a bank account and certain other property from a levy.

Under current law, DWD must allocate certain moneys for various public assistance programs. This bill eliminates the requirement that moneys be allocated for some of the programs and adds the following new programs to the list of those for which moneys must be allocated:

1. A program to fund efforts to provide an emotionally and intellectually stimulating environment for certain low-income children under the age of five.
2. A literacy program targeted at certain low-income individuals.
3. A competitive grant program to fund programs that improve social, academic and employment skills of certain low-income youth.
4. A program to assist low-income workers to maintain their jobs and to improve their basic skills.
5. A program to match retirees with youth to provide the youth with workforce mentoring.
6. A program to encourage the positive involvement of fathers in their children's lives.
7. A grant program under which DWD may award up to \$1,000,000 to counties and private entities to provide community-based alcohol and other drug abuse treatment that is targeted to certain low-income individuals.

The bill also permits DWD to transfer funds received under the federal temporary assistance for needy families block grant program to other agencies for various programs.

Under current law, a county department of social or human services must certify eligibility for and issue food coupons to needy households, except that a Wisconsin works (W-2) agency is required, to the extent permitted under federal law or waiver, to certify eligibility for and issue food coupons to eligible participants in the W-2 program.

This bill requires a W-2 agency, to the extent permitted under federal law or waiver, also to certify eligibility for and issue food coupons to: 1) persons who may be required to participate in the food stamp employment and training program; and 2) other persons who are under the age of 61 and who are not disabled.

Under current law, certain federal economic support programs require that a state maintain or increase its average annual expenditures for those programs. This is commonly referred to as a maintenance-of-effort requirement.

This bill allows DWD to expend moneys from its economic support programs appropriation for services to identify funds that may be used for the maintenance-of-effort requirement.

Currently, under the learnfare program, a child between the ages of 6 and 17 who is the dependent child of a recipient of benefits under the W-2 program must meet a school attendance requirement to avoid the imposition of certain sanctions.

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Currently, DWD may expend moneys for a study of the school attendance requirement under the learnfare program for children who are 6 to 12 years of age. This bill eliminates that expenditure authority.

Under current law, if a recipient of certain public assistance benefits dies and the estate of the deceased recipient is insufficient to pay for the funeral, burial and cemetery expenses, the county or applicable American Indian tribal governing body or the organization responsible for burial of the recipient must pay the cemetery expenses that are not paid by the deceased recipient's estate (but not more than \$1,000) and must pay the funeral and burial expenses that are not paid by the deceased recipient's estate (but not more than \$1,000).

Under this bill, a county, tribal governing body or organization responsible for burying the recipient is not required to make a payment for funeral, burial or cemetery expenses if the request for the payment is made more than 12 months after the recipient died.

Under current law, DWD administers a work experience program for noncustodial parents (parents who do not live with their children for substantial periods of time), commonly referred to as the children first program. A parent who fails to pay court-ordered child support or to meet the child's needs for support because of unemployment or underemployment is required to participate in the program, under which the person is provided with certain types of work experience, job training and job search assistance. Currently, DWD may contract with any county to administer the children first program. DWD pays the county \$200 for each person who participates in the program in that county.

This bill permits DWD to contract with a W-2 agency or a county to administer the children first program. The bill requires DWD to pay the administering county or W-2 agency \$400 for each person who participates in the program in the region in which the county or W-2 agency administers the program.

This bill provides that DHFS may use moneys derived from Indian gaming compacts to fund relief block grants to American Indian tribal governing bodies.

WISCONSIN WORKS

Under current law, two W-2 agencies in Milwaukee County are permitted to implement a program under which certain participants in community service jobs (wholly subsidized employment) may be paid wages rather than monthly grants. To qualify for a wage-paying community service job, the participant must already be engaged in unsubsidized employment for at least 15 hours per week. Currently, a W-2 agency may not require a person to work in a wage-paying community service job more than the lesser of 15 hours per week or the difference between 40 hours and the number of hours per week that the participant works in unsubsidized employment. If the participant qualifies for the federal earned income tax credit (EITC), current law qualifies the participant for the state EITC as well. Currently,

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the wage-paying community service job program is scheduled to sunset on October 1, 2001.

This bill eliminates the sunset date for the wage-paying community service job program and expands the program, beginning on January 1, 2001, to allow all W-2 agencies to implement it for any individual that the W-2 agency determines is capable of working in an unsubsidized job but who, despite reasonable efforts, is unable to secure full-time unsubsidized employment. However, the bill caps the number of slots for the program at 2,500 statewide. Under the bill, a participant in a wage-paying community service job is disqualified from the state EITC with respect to any wages earned under the wage-paying community service job. Additionally, under the bill, the participant need not be engaged in unsubsidized employment to qualify for a wage-paying community service job. Finally, the bill allows a W-2 agency to require a participant in a wage-paying community service job to work in a community service job for not more than 30 hours per week and to participate in job search activities for not more than ten hours per week.

This bill requires a W-2 agency to assess the educational needs of an individual whom the W-2 agency proposes to place in unsubsidized employment or a trial job. Under the bill, if the W-2 agency determines that the individual needs basic education, such as courses leading to the granting of the equivalent of a high school diploma, and if the individual wishes to pursue the basic education, the W-2 agency must make basic education a part of an employability plan that the W-2 agency develops for the individual. The bill requires the W-2 agency to pay for the basic education services.

Under current law, with certain limited exceptions, a participant in the W-2 program may be required to work in a community service job for not more than 30 hours per week and to participate in education or training activities for not more than ten hours per week. If the W-2 agency requires fewer than 30 hours of work per week because the participant has part-time unsubsidized employment, the participant's grant amount may be reduced by an amount equal to the product of \$5.15 and the difference between 30 and the number of hours that the participant is required to work. This bill specifies that if a W-2 agency places a person in a community service job for fewer than 30 hours per week because that person has part-time unsubsidized employment, the W-2 agency may reduce the monthly grant in accordance with a schedule developed by DWD.

Under current law, a child care subsidy is available to a parent or guardian of a child who is under the age of 13 if the parent or guardian meets certain income and asset limits and needs child care to participate in certain work-related activities, including employment skills training. If child care is needed in order to participate in employment skills training (which includes English as a second language courses, high school graduation equivalency courses and technical college courses), the parent or guardian must demonstrate that he or she has been employed in an

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unsubsidized job for at least nine consecutive months or that he or she is a participant in a W-2 employment position in order to receive a child care subsidy.

Under this bill, if a person wishes to receive a subsidy for child care that is needed in order to pursue basic education (such as English as a second language courses, high school graduation equivalency courses or literacy tutoring), that person must demonstrate that he or she is employed in unsubsidized employment (without regard to length of employment) or that he or she is a participant in a W-2 employment position. A person who wishes to receive a subsidy for child care that is needed in order for the person to participate in a course of study at a technical college, or to pursue education that provides an employment skill, must demonstrate that he or she has been working in unsubsidized employment for three months (and continues to be so employed) or that he or she is in a W-2 employment position. As under current law, the W-2 agency must determine that the basic, technical or other education would facilitate the person's efforts to obtain employment.

Under current law, a contract to operate as a W-2 agency must require that the W-2 agency provide, or contract with another person to provide, credit establishment and credit repair assistance to W-2 participants. Currently, DWD may allocate not more than \$3,000,000 annually for credit assistance to W-2 recipients in the city of Milwaukee.

Under this bill, rather than requiring credit establishment and credit repair services, a W-2 agency contract must require that the W-2 agency provide, or contract with another to provide, budgeting and financial planning services. The bill eliminates the allocation for credit establishment and credit repair services offered to W-2 participants in the city of Milwaukee.

Current contracts between DWD and W-2 agencies require the agencies to offer follow-up services for 60 days after a W-2 participant moves from a W-2 employment position to unsubsidized employment. This bill permits a W-2 agency, subsequent to that follow-up period, to offer case management services, including the provision of employment skills training, English as a second language classes and basic education, to an individual who has moved from a W-2 employment position to unsubsidized employment, regardless of the individual's income or asset level.

Currently, in calculating a person's income for the purpose of determining financial eligibility for W-2 or for a W-2 child care subsidy, a W-2 agency must include child support payments received by the person on behalf of any child who is a member of that person's household. This bill removes child support payments from the income consideration. The bill also directs the W-2 agency to include in the calculation of income for W-2 child care eligibility net earnings and certain business-related expenses reported to the Internal Revenue Service for farm and self-employment income.

SENATE BILL 45**MEDICAL ASSISTANCE**

Under current law, certain people are eligible for MA because of substantial medical needs that consume so much of their income as to qualify them as low-income. This category of MA recipients is commonly referred to as medically needy. Other people are eligible for MA by virtue of their receipt of other federal assistance, such as SSI. This category of MA recipients is commonly referred to as categorically needy.

This bill directs DHFS to seek federal approval and to request any necessary waivers to expand MA eligibility to disabled persons who would qualify for SSI but for excess income and assets. Under the bill, a disabled person whose family's income is less than 250% of the federal poverty line and whose assets do not exceed \$20,000 is eligible to receive MA if the person pays a monthly premium and a one-time initial premium established by DHFS. The bill directs DHFS, however, to pay the monthly premium for a person who is eligible for this MA purchase plan and who is receiving services under COP. The bill also authorizes DHFS to pay for that person's one-time entry premium.

The bill also requires DHFS to evaluate how to coordinate the MA purchase plan with HIRSP, which provides major medical health insurance coverage for, among others, persons who are covered under medicare because they are disabled but for which persons who are eligible for MA are not eligible. DHFS is required, if necessary, to develop proposed legislation that coordinates the two programs and that addresses the provision of health care coverage for individuals who are eligible for both HIRSP and the MA purchase plan.

Under the current MA program, DHFS certifies persons or facilities that meet certain criteria as providers and pays for services and items that MA recipients receive from the certified providers. DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from the MA program, against providers who fail to comply with requirements under the program or to whom improper or erroneous payments or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing and a written decision.

This bill prohibits MA providers from submitting false claims for payment of services or items. The bill permits DHFS to assess forfeitures for violations of the prohibitions and to impose a surcharge on a forfeiture that is assessed.

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, under terms and in an amount specified by DHFS, that would reasonably pay the amount of a recovery and DHFS's costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements.

The bill authorizes DHFS, if DHFS first makes specified findings, to prescribe MA provider certification criteria that limit the number of providers of particular services or that limit the amount of resources, including employees and equipment, that a certified provider may use to provide MA services and items.

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The bill makes various changes relating to the procedures for the recovery by DHFS of improper or erroneous MA payments or overpayments.

The bill eliminates DHFS's general authority to suspend a provider, but authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws. The bill eliminates the right of notice, a fair hearing and a written decision for most sanctions against providers that DHFS may enforce, except for decertification from or restriction of a provider's participation in the MA program.

The bill authorizes DHFS to prescribe conditions of MA participation and reimbursement terms and to impose additional sanctions for noncompliance. The bill requires immediate access, upon request by DHFS, to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

The bill changes provisions concerning liability for repayment of improper or erroneous payments or overpayments of a provider who sells or otherwise transfers ownership of his or her business. Under the bill, before such a sale or transfer may take place, the provider must notify DHFS of the impending sale and DHFS must inform the provider of the extent of liability, if any. If liability exists, the provider must so inform the prospective transferee of the extent of the liability and the liability attaches to both the provider and the transferee, with the sale or other transfer conditioned upon repayment. If the provider fails to inform the transferee, liability does not attach to the transferee. Repayment must be made prior to the sale or transfer and, if not done, the sale or transfer is void.

Currently, a person who disposes of assets for less than the fair market value in order to qualify for MA is ineligible for MA for a certain period. Current law specifies that a transfer of assets to an irrevocable annuity is a transfer that is below the fair market value if the amount of the transfer exceeds the expected benefit.

This bill provides that a transfer of an asset to an irrevocable annuity, or a transfer of an asset by promissory note or similar instrument, is a transfer for the fair market value of the asset if certain conditions are met.

Under current law, DHFS must recover from the estate of a deceased MA recipient the amount of MA paid on behalf of the recipient while the recipient was a resident in a nursing home or an inpatient in a medical institution and the amount of MA paid on behalf of the recipient for certain services received by the recipient after the recipient was over the age of 55. One mechanism for recovery is a claim filed against the estate, which may include a lien placed on the home of a recipient who is a nursing home resident and not expected to return home. Currently, a lien may only be for the amount of MA paid on behalf of the recipient while the recipient resides in a nursing home.

This bill expands the estate recovery program as follows:

1. In addition to obtaining a lien on the home of a nursing home resident who is not expected to return home, the bill directs DHFS to obtain a lien on the home of an inpatient in a hospital who is not expected to return home. The lien, in both cases,

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is for the amount of MA paid on behalf of that recipient that is generally recoverable, rather than only the amount paid while the recipient was in the nursing home (or hospital).

2. DHFS must recover expenditures for personal care services, which include assistance with meals, dressing, movement, bathing or other personal needs or maintenance.

Under current law, a court may reduce DHFS's claim in an estate by up to \$3,000 to allow heirs and beneficiaries to retain certain personal property, including up to \$1,000 in tangible personal property that is not used in trade, agriculture or other business. This bill allows a court to reduce DHFS's claim in an estate by up to \$5,000, including \$3,000 in tangible personal property that is not used in trade, agriculture or other business.

Under current law, payments to nursing homes for care provided to recipients of MA are determined under a payment system that considers specific allowable costs, under standards prescribed by DHFS. The standards for payment of allowable direct care costs, support service costs, heating fuel and utility costs and administrative and general costs of a nursing home may not be less than the median for such costs of a sample of all nursing homes. Payment for net property taxes or municipal services are required to be made on a range from actual costs to a maximum limit determined by DHFS. Payment for capital costs of a nursing home must be based on the home's replacement value, subject to DHFS limitations, except that DHFS may not reduce final capital payment by more than \$3.50 per patient day and except that DHFS limitations do not apply to certain nursing homes that have high capital costs. DHFS must calculate a payment for a nursing home by applying specified standards and considering specified cost centers and allowable costs. Payments are based on cost reports from the nursing home's previous fiscal year.

This bill eliminates the requirement that DHFS base payment on information from cost reports from the nursing home's previous fiscal year. The bill also eliminates the requirement that the standards for payment by DHFS of allowable costs for direct care, support services, heating fuel and utilities, administration and general services be not less than the median for such costs for a sample of all nursing homes, although the bill still requires DHFS to consider a sampling of nursing homes in determining payment. The bill eliminates the limitation on the amount by which DHFS may reduce final capital costs payment of a nursing home. The bill revises the standard for payment for net property taxes or municipal services to limit the payment to actual previous costs, subject to a maximum determined by DHFS.

Under current federal law, with certain exceptions, states are permitted to require an individual who is eligible for MA to enroll in a managed care plan (generally a health maintenance organization, or HMO) rather than receiving services under the traditional fee-for-service system. Federal law prohibits states from requiring a child who is in foster care to enroll in a managed care plan as a condition of receiving MA.

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This bill authorizes DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to require children in foster care to enroll in a managed care plan as a condition of receiving MA. If the waiver is granted and in effect, the bill permits DHFS to implement the waiver.

This bill requires DHFS to request a waiver from the secretary of the federal department of health and human services to permit DHFS to cover under MA clinical evaluation services for certain persons with HIV. The bill limits coverage to \$500 per year per person.

Currently, DHFS must annually submit to JCF a report on nursing home bed utilization by MA recipients for the previous year. If the report indicates that the utilization has decreased, DHFS must include a proposal to transfer funds from the MA appropriation account to the COP appropriation account for expenditure for noninstitutional long-term support services.

This bill provides that the transfer of funds from MA to COP may not reduce the MA appropriation account balance below the amount necessary to ensure that the appropriation account will end the current fiscal year or the current fiscal biennium with a positive balance. The bill requires that DHFS's report to JCF include a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry-over of currently appropriated amounts in the MA appropriation accounts.

Currently, MA recipients may obtain coverage for inpatient hospital services and outpatient services for treatment of alcohol or other drug abuse. This bill provides that MA recipients may receive, until July 1, 2003, residential treatment services for alcohol and other drug abuse, limited to 45 days of treatment services per treatment episode. The benefit may be provided only in a facility of fewer than 16 beds in a county, city, town or village that elects both to become certified as a provider of the services, or to contract with a certified provider to provide the services, and to pay the amount of the allowable charges for the services under the MA program that is not provided by the federal government.

Under current law, dental services are provided to MA recipients on a fee-for-service basis or under some form of managed care, such as through enrollment by a recipient in a health maintenance organization that provides dental services. This bill increases the amount paid under the MA program for dental services providers who provide services on a fee-for-services basis.

Currently, DHFS annually may distribute no more than \$2,256,000 of MA moneys as supplements to rural hospitals that, compared to other rural hospitals, have a high utilization of inpatient services by persons whose care is provided from governmental sources. This bill authorizes DHFS to distribute the supplements of MA moneys also to critical access hospitals. A critical access hospital is a hospital

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that DHFS determines meets specific federal medicaid requirements and has specific federal certification.

Under current law, at the request of DHFS, health insurers must provide information to enable DHFS to identify MA recipients who are eligible, or who would be eligible as dependents, for health insurance coverage. This bill authorizes DHFS to provide any information that it receives from a health insurer to DWD. The two departments must agree on procedures to safeguard the confidentiality of the information.

Currently, DHFS is authorized to provide enhanced reimbursement under CIP for a person who was relocated to the community from an intermediate care facility for the mentally retarded that closes. This bill additionally authorizes DHFS to provide enhanced reimbursement under CIP for a person who is relocated to the community from an intermediate care facility for the mentally retarded, or a distinct part of the facility, that has a DHFS-approved plan of closure and that intends to close within 12 months.

CHILDREN

Under current law, DHFS awards grants for various programs relating to youth alcohol and other drug abuse, adolescent pregnancy and other adolescent services. These programs include a neighborhood drug use and violence prevention program, a community alcohol and other drug abuse prevention program, a drug prevention program for Milwaukee public high school athletes, an adolescent self-sufficiency program, an adolescent pregnancy prevention program, an adolescent resource center in Milwaukee, a minority adolescent parenting skills program in Milwaukee and an adolescent choices project.

This bill eliminates all of these programs. The bill directs DHFS to award grants to public and private organizations operating in Milwaukee County; county departments of human services, social services, community programs or developmental disabilities services operating in counties other than Milwaukee County; and federally recognized American Indian tribes or bands in this state to provide programs to prevent and reduce the incidence of youth violence and other delinquent behavior, youth alcohol and other drug use and abuse, nonmarital pregnancy and child abuse and neglect; to increase the use of abstinence as a method of preventing nonmarital pregnancy; and to increase adolescent self-sufficiency by encouraging high school graduation, vocational preparedness, improved social and other interpersonal skills and responsible decision making. The bill requires DHFS to provide a set of benchmark indicators to measure the outcomes that are expected of a program receiving a grant and permits DHFS to renew a grant only if the recipient shows improvement on those indicators.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must determine, within 60 days after receipt of such a report, whether abuse or neglect has occurred or is likely to occur.

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Currently, there is no procedure for appealing that determination. This bill provides that if such a determination contains a finding that a specific person has abused or neglected a child, that person may appeal that finding in accordance with procedures established by DHFS.

Under current law, an agency that is responsible for investigating reports of suspected or threatened child abuse or neglect must keep its records confidential and may disclose those records only under certain conditions. This bill permits such an agency, subject to standards established by DHFS, to disclose to the news media and the general public information from the agency's records in cases in which a child died or was placed in serious or critical condition as a result of abuse or neglect.

Under current federal law, each state that receives a grant under the federal Child Abuse Prevention and Treatment Act must establish not less than three child abuse and neglect citizen review panels to evaluate the extent to which local agencies responsible for providing child protective services are effectively discharging their responsibilities and must ensure that otherwise confidential child abuse and neglect records are made available to those panels. This bill permits a child abuse and neglect citizen review panel established by DHFS or a county department to have access to the otherwise confidential child abuse and neglect records of an agency responsible for child protection as necessary for the panel to carry out its functions.

Under current law, a person is eligible for a subsidy for child care for a child who is under the age of 13 if the person meets certain requirements. The person must be a parent or other primary caretaker of the child; the person must initially have a gross income at or below 165% of the federal poverty line; and the person's assets may not exceed \$2,500 in combined equity value.

This bill expands eligibility for a child care subsidy beginning on January 1, 2000. Under the bill, the initial income limit is increased to 185% of the poverty line and the asset limit is eliminated. The bill also expands the subsidy to cover child care for disabled children who are under the age of 19.

Under current law, DWD must award grants for the start-up or expansion of child care services and must attempt to award these grants to head start agencies, employers that provide or wish to provide child care services for their employes, family day care centers, group day care centers and day care programs for the children of student parents. A person who is awarded a child care start-up or expansion grant must contribute matching funds equal to 25% of the amount awarded and may not use any grant moneys to purchase or improve land or to purchase, construct or permanently improve, other than minor remodeling, any building or facility.

This bill requires DWD to award low-interest loans for the start-up or expansion of child care services. Under the bill, the same requirements that apply to the awarding of child care start-up or expansion grants, other than the matching funds requirement, apply to the awarding of child care start-up or expansion

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low-interest loans. The bill also requires DWD to attempt to award child care start-up and expansion grants and low-interest loans to organizations that provide child care for sick children and to child care providers that employ participants or former participants in a W-2 employment position.

Under current law, if a W-2 agency determines that a person is eligible for a child care subsidy, the W-2 agency must refer that person to the county department. The county department determines, in accordance with a schedule developed by DWD, the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and helps the person identify available and appropriate child care. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits DWD to require a county department, a tribal governing body or a W-2 agency to administer the child care subsidy program, except that in Milwaukee County, DWD must require a W-2 agency to administer the child care subsidy program in that county. Under the bill, whichever entity administers the program is responsible for determining the copayment amount, providing the subsidy, conducting background investigations on and certifying child care providers and identifying available and appropriate child care for subsidy recipients. County departments, however, retain the responsibility for setting maximum reimbursement rates for child care providers.

Under current law, DHFS may not license a person to operate a foster home, treatment foster home, group home, shelter care facility, child welfare agency or day care center; a county department or a child welfare agency may not license a person to operate a foster home or treatment foster home; a county department may not certify a person as a day care provider; and a school board may not contract with a person to operate a day care program if the person has been convicted of or has pending a charge for a serious crime, as defined by DHFS by rule; has abused or neglected a client or a child; has misappropriated client property; or is not sufficiently credentialed to provide adequate client care. In addition, such a licensed, certified or contracting entity may not hire or contract with such a person if the person is expected to have access to the entity's clients and may not permit such a person to reside at the entity as a nonclient. Such a person may, however, subject to certain exceptions, demonstrate that he or she has been rehabilitated. At the time of initial licensure, certification, hiring, contracting or residence and every four years after that, DHFS, a county department, a child welfare agency or a school board must obtain, with respect to an operator or nonclient resident of an entity, and an entity must obtain, with respect to an employe or contractor who has or is expected to have access to the entity's clients, certain personal background information, including information obtained from a criminal history search. DHFS, a county department,

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a child welfare agency or a school board may charge a fee for obtaining this background information about an operator or nonclient resident of an entity.

This bill changes the type of interaction with clients that an employe or contractor must have to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with an entity. The bill, rather than requiring an investigation of an employe or contractor who has or is expected to have access to a client, instead requires an investigation of an employe or contractor who provides or is expected to provide to clients direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. The bill also permits DHFS, a county department, a child welfare agency, a W-2 agency or a school board to charge a fee for the cost of providing background information to an entity about an employe or contractor and to charge a fee to a person for the cost of determining whether the person has been rehabilitated.

Under current law, a foster home may provide care and maintenance for no more than four children unless all of the children are siblings. This bill permits a foster home to provide care and maintenance for no more than four children or, if necessary to enable a sibling group to remain together, for no more than six children or, if DHFS promulgates rules permitting a different number of children, for the number of children permitted under those rules.

Under current law, subject to certain exceptions, DHFS, a county department or a licensed child welfare agency (collectively "agency") may not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the agency except by order of the court assigned to exercise jurisdiction under the children's code (juvenile court). Current law, however, is silent as to the confidentiality of records kept and information received relating to a foster parent, treatment foster parent or family-operated group home parent (substitute care parent).

This bill prohibits an agency from making available for inspection or disclosing the contents of any record kept or information received relating to a substitute care parent or a family member of a substitute care parent without first receiving the written permission of the substitute care parent, except by order of the juvenile court. The bill does not prohibit an agency from disclosing information in confidence to another social welfare agency, from disclosing the contents of a record as permitted under the child abuse and neglect reporting law, from disclosing to the child's parent, guardian or legal custodian the name and address of the substitute care parent or from including the location of the child's placement in the child's permanency plan.

Current law appropriates to DHFS certain general purpose revenues (GPR) and federal revenues for foster care and for adoption assistance payments to parents who adopt children with special needs. This bill expands the purposes for which GPR and federal foster care and adoption services moneys are appropriated to DHFS to

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include the cost of contracting with private adoption agencies to provide adoption services for children with special needs who are under the guardianship of DHFS.

Under current law, in Milwaukee County, DHFS is required to provide the juvenile court with services necessary for investigating and supervising child welfare cases under the children's code and the county board of supervisors is required to provide the juvenile court with services necessary for investigating and supervising cases under the juvenile justice code. Child welfare cases under the children's code include cases in which a child is alleged to have been abused or neglected or otherwise to be in need of protection or services under the children's code. Cases under the juvenile justice code include cases in which a juvenile is alleged to be delinquent, in violation of a civil law or ordinance or in need of protection or services under the juvenile justice code, that is, habitually truant from home or school, uncontrollable or a school dropout. The chief judge of the judicial administrative district covering Milwaukee County must formulate written judicial policy governing intake and juvenile court services for matters under the children's code and the juvenile justice code.

This bill prohibits the chief judge from directing DHFS to provide intake and juvenile court services in cases in which the referral information indicates that the juvenile should be referred to the juvenile court under the juvenile justice code, unless that information indicates that the juvenile should also be referred to the juvenile court under the children's code. The bill also requires the chief judge to direct DHFS and Milwaukee County to coordinate the provision of services in cases in which a DHFS intake worker determines that jurisdiction exists under the juvenile justice code instead of or in addition to the children's code and in cases in which a Milwaukee County intake worker determines that jurisdiction exists under the children's code instead of or in addition to the juvenile justice code.

HEALTH

Under current law, DHFS must administer a health care program (known as badger care) to provide health care coverage to low-income (generally defined as having an income at or below 185% of the federal poverty line) children and their parents if the children reside with their parents.

This bill expands the badger care program to cover any child under the age of 19 who meets financial and other eligibility requirements, regardless of whether the child resides with his or her parents. The bill also requires DHFS to lower the maximum income level for initial eligibility for badger care if funding for badger care is insufficient to accommodate the projected enrollment in badger care and requires DHFS to raise the income limit to up to 185% of the federal poverty line if, after having lowered the income level, funding for badger care becomes sufficient to cover projected enrollment of persons at the higher income level.

Currently, the health insurance risk-sharing plan (HIRSP) provides major medical health insurance coverage for persons who are covered under medicare because they are disabled, persons who have tested positive for human

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immunodeficiency virus (HIV) and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition. Also eligible for coverage are persons (called eligible individuals) who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past. HIRSP offers its enrollees who are not eligible for medicare an annual choice of coverage option. Responsibility for administering HIRSP is split between DHFS and the HIRSP board of governors (board).

This bill makes various changes to HIRSP. Except for an eligible individual, a person who is at least 65 years of age is not eligible for HIRSP coverage. The bill provides that a person who has HIRSP coverage on the date on which he or she attains age 65 does not lose eligibility for coverage because of his or her age.

With certain exceptions, current law provides that a person for whom a premium, deductible or coinsurance amount is paid by any governmental agency is not eligible for HIRSP coverage. The bill provides that a person who receives a reimbursement from DHFS for the cost of drugs for the treatment of HIV infection and for the treatment of acquired immunodeficiency syndrome (AIDS) is not ineligible for HIRSP coverage by reason of the reimbursement.

With certain exceptions, current law sets the deductible for coverage under HIRSP at \$1,000. HIRSP pays 80% of covered costs exceeding the deductible. After a covered person has paid \$2,000 in costs, including the deductible, in a calendar year, the bill directs HIRSP to pay 100% of the covered costs for the remainder of the calendar year. If more than one member of a family has HIRSP coverage, HIRSP pays 100% of covered costs after the family has paid \$4,000 in costs. The bill specifies these values for covered persons not eligible for medicare who choose the other coverage option that HIRSP offers. Under the other coverage option, the deductible is \$2,500. HIRSP pays 100% of the covered costs after a covered person has paid \$3,500 in costs in a calendar year. For a family with more than one covered person, HIRSP pays 100% of covered costs after the family has paid \$7,000 in costs.

Finally, the bill transfers to DHFS some of the board's responsibilities, such as establishing procedures for hearing grievances and collecting assessments from insurers, and requires the board to advise DHFS with respect to those responsibilities.

Under current law, DHFS may not license, certify, issue a certificate of approval to or register a person to operate an adult treatment facility or organization or to provide adult treatment services if DHFS knows that the person has been convicted of or has pending a charge for a serious crime; has been found to have abused or neglected a facility client or misappropriated client money; has abused or neglected a child; or is not sufficiently credentialed to provide adequate client care. In addition, an adult treatment facility or organization or a person providing services may not hire such a person if that person may have access to clients and an adult treatment facility may not allow him or her to reside as a nonclient at the facility. The prohibitions do not apply if the person demonstrates to DHFS that he or she has been rehabilitated, unless the person has been convicted of certain offenses. DHFS must

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obtain specific personal background information, including that obtained from criminal history searches, about persons applying to operate adult treatment facilities or organizations or applying to provide adult treatment services. In addition, DHFS must obtain the information every four years for all persons licensed to operate such facilities or organizations or to provide such services and for nonclient facility residents and may charge a fee for conducting those personal background information checks. Every adult treatment facility or organization and every person who provides adult treatment services must obtain the same types of information about prospective employes or contractors, and every adult treatment facility must obtain such information about persons who seek to reside as nonclients in the facilities. The information must be obtained every four years for employes or contractors.

This bill authorizes DHFS to conduct background investigations on behalf of adult treatment facilities and organizations and persons who provide adult treatment services and to charge a fee for doing so. Additionally, the bill authorizes DHFS to charge persons a fee for the costs incurred by DHFS under requests to demonstrate that the persons have been rehabilitated.

The bill changes the type of interaction with clients that a prospective employe or a prospective contractor must have in order to require a background investigation of the employe or contractor and to prohibit the employe or contractor from being hired by or from contracting with adult treatment facilities, organizations or services. The bill, rather than requiring investigation of a person who has or is expected to have access to the clients of the facility, organization or service, instead requires investigation of a person who provides to the clients or is expected to provide to the clients, direct care that is more intensive than negligible in quantity or quality or in the amount of time required to provide the care. Restrictions on nonclient residents at the facility, organization or service are unchanged by the bill.

Under current law, DHFS administers the birth and developmental outcome monitoring program (BDOMP). Under that program, a report must be made to DHFS by a physician or nurse who diagnoses or confirms a suspected diagnosis that a child under the age of six has a condition resulting from a low birth weight, a chronic condition possibly requiring long-term care, a birth defect or a developmental disability or other severe disability. DHFS must develop and implement a system for the collection, updating and analysis of the information reported and to disseminate the information.

This bill eliminates BDOMP. Instead, the bill requires physicians, hospitals, certain clinics and clinical laboratories to report birth defects identified in children under the age of two to DHFS. The bill requires DHFS to establish and maintain a registry that documents the diagnosis of a birth defect in a child under the age of two. As under current law, personally identifying information that is contained in the reports made to DHFS is confidential and, with certain exceptions, may not be released to any person. Finally, the bill creates a council on birth defect prevention

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and surveillance to advise DHFS regarding the registry and rules related to reporting.

Under current law, DHFS licenses and otherwise regulates emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure. This bill authorizes DHFS to impose forfeitures on ambulance service providers for violation of laws that prescribe conditions for licensure and for operation of ambulances. The bill clarifies that DHFS may charge a fee for the renewal of licenses for emergency medical technicians and ambulance service providers and authorizes DHFS to charge fees for untimely license renewal. DHFS must promulgate rules to establish the amounts for assessments of the forfeitures, fees for license renewal and late renewal fees.

This bill does all of the following with respect to tuberculosis:

1. Requires that laboratories that perform primary culture for mycobacteria also perform organism identification for mycobacterium tuberculosis and conduct antimicrobial drug susceptibility tests on the mycobacterium tuberculosis bacteria. The results of that test must be reported to DHFS.
2. Creates a process by which a person with infectious tuberculosis or with a suspected case of tuberculosis may be confined pending a hearing if the confinement is to be longer than 72 hours.
3. Permits local health departments to request from DHFS certification to establish and maintain a public health dispensary.

This bill provides that DHFS may use moneys derived from Indian gaming compacts to fund grants for cooperative American Indian health projects.

Under current law, DHFS must base fees for renewal of home health agency licenses on the annual net income, as determined by DHFS, of each home health agency seeking license renewal. This bill eliminates annual net income of home health agencies as a basis for establishing fees for home health agency license renewal, thus permitting DHFS to base fees on any criterion.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, a person who is believed to be mentally ill and a proper subject for treatment and who evidences certain acts, omissions or other behavior that indicate that he or she satisfies at least one of five standards of dangerousness may be detained on an emergency basis and transported to and detained and treated in a mental health treatment facility. A petition signed by three others may be brought against the detained person alleging that the detained person is mentally ill, is a proper subject for treatment and is dangerous because he or she meets a standard for involuntary civil commitment. If such a petition is filed with a court, the subject of the petition must be given a hearing to determine if there is probable cause to support the petition's allegations. If a court finds probable cause, a final hearing on commitment must be held. If, at the hearing, the person is again found

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to satisfy one of the standards of dangerousness he or she may be involuntarily committed to the care and custody of a county department of community programs for appropriate treatment.

Currently, one of the five standards of dangerousness for involuntary civil commitment terminates on December 1, 2001. That standard, known as the fifth standard, requires that a person, because of mental illness, either evidences the incapability of expressing an understanding of the advantages and disadvantages of and alternatives to accepting a particular medication or treatment after these have been explained to him or her or evidences substantial incapability of applying an understanding of those advantages, disadvantages and alternatives to his or her mental illness in order to make an informed choice as to whether to accept or refuse medication or treatment. The person also must evidence a substantial probability, as demonstrated by both his or her treatment history and recent acts or omissions, that he or she needs care or treatment to prevent further disability or deterioration. Lastly, the person must evidence a substantial probability that he or she will, if left untreated, lack services necessary for his or her health or safety and suffer mental, emotional or physical harm that will result in either the loss of his or her ability to function independently in the community or the loss of cognitive or volitional control over his or her thoughts or actions.

This bill eliminates the December 1, 2002, termination of the fifth standard for emergency detention and involuntary civil commitment of persons with mental illness.

Currently, if a person is found to be a proper subject for treatment and is found to satisfy at least one of the five standards of dangerousness, the person may initially be committed for treatment for a period not to exceed six months. In addition, a commitment order may be extended after an evaluation of the person. Each consecutive commitment order extension may be for a period not to exceed 12 months.

An inmate of a jail, house of correction or prison may be subject to an involuntary commitment proceeding based on a petition described above. However, there is an alternative petition that may be used to begin an involuntary commitment proceeding against an inmate. This alternative petition must allege all of the following: 1) that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment; 2) that the inmate has been fully informed about, and has had the opportunity to discuss, his or her treatment needs and the mental health services available to him or her; and 3) that appropriate less restrictive forms of treatment have been attempted and have been unsuccessful. If an inmate is committed based on an alternative petition, the total period that the inmate may be committed may not exceed 180 days in any 365-day period.

This bill extends the period for which an inmate of a state prison may be committed based on an alternative petition to a period not to exceed one year. The bill does not change the current time limits on the commitment of an inmate of a jail or house of correction based on an alternative petition.

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Current law provides a procedure for involuntarily committing sexually violent persons to DHFS for control, care and treatment. A sexually violent person is a person who has been convicted of certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

Under current law, when a person is found to be a sexually violent person the person must be committed to the custody of DHFS. The court that commits the person must specify whether the person is to be placed in institutional care or on supervised release in the community, and DHFS must arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

If the court decides to place the person on supervised release, DHFS and the county social services department (county department) of the person's county of residence must prepare a plan for the treatment and services that the person will receive while on supervised release. If the county department of the person's county of residence declines to prepare a plan, DHFS or the court must find another county department to prepare the plan. In *State v. Sprosty*, 221 Wis. 2d. 401 (Ct. App. 1998), the court of appeals held that once a court has ordered a person placed on supervised release, the person must be released and DHFS and the county responsible for preparing the plan must provide or contract for appropriate treatment and services or, if such treatment and services are not available, create them.

This bill makes the following changes relating to supervised release of sexually violent persons:

1. The bill establishes new guidelines for a court's decision concerning whether to place a person on supervised release. Under the bill, a court may not order a person to be placed on supervised release if the court finds that it is substantially probable that the person will engage in acts of sexual violence unless the person resides in a facility with a level of security comparable to that of a secure mental health unit or facility. However, even if it makes this finding, the court may withhold its decision concerning placement and order DHFS and the appropriate county department to prepare a plan for supervised release for the person, but only if the person first establishes that it is likely that the daily cost of providing the necessary programs and facilities for control, care and treatment of the person on supervised release would not exceed the daily cost of control, care and treatment of the person at a secure mental health unit or facility.

If the court withholds its decision and orders preparation of a supervised release plan, the court must then consider whether to approve or disapprove the plan under the new procedure created by the bill (see item 2., below). Even if the plan meets the criteria for approval under the new procedure, the court may approve the plan and place the person on supervised release only if the daily cost of supervised release would not exceed the daily cost of institutional care at a secure mental health unit or facility.

2. The bill creates a new procedure that a court must use to approve or disapprove a supervised release plan. Under the bill, the court must hold a hearing on a proposed supervised release plan within 30 days after the plan is presented to

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the court. Based on evidence provided at the hearing, the court must approve the plan if it determines that the plan provides adequate treatment and services to the person and adequate protection to the community. Likewise, the court must disapprove the plan if it determines that the plan does not provide adequate treatment and services to the person and adequate protection to the community. If the court disapproves the plan, DHFS and the county department must revise the plan and present it to the court again. If the court approves the plan, the court must order that the person be placed on supervised release in the county that prepared the plan. DHFS and the county department that prepared the plan must implement the plan and DHFS may ask the court for any orders that are necessary to ensure implementation of the plan.

The bill also requires DHFS to place a sexually violent person in a secure mental health treatment setting if the court decides to place the person in institutional care rather than on supervised release.

This bill requires DHFS to contract with counties or federally recognized American Indian tribes or bands to provide one or two demonstration projects in fiscal year 2000–01. The projects are to provide mental health and alcohol or other drug abuse services under managed care programs of MA to persons who suffer from mental illness, alcohol or other drug dependency, or both illness and dependency. DHFS must submit for approval by the secretary of the federal department of health and human services any necessary requests for waiver of federal medicaid laws to effectuate these managed care demonstration projects.

Under current law, the Mendota Mental Health Institute and the Winnebago Mental Health Institute are operated by DHFS to provide specialized psychiatric services, research and education. In addition, DHFS may establish a system of outpatient mental health clinic services in any institution that DHFS operates. A county department of community programs must under contract authorize all care of most patients in the mental health institutes. Also, DHFS may provide outpatient services at the Winnebago Mental Health Institute to public school pupils.

This bill eliminates the explicit authorization for the Winnebago Mental Health Institute to provide outpatient mental health services for pupils. Instead, the bill authorizes DHFS to allow a mental health institute to offer, when DHFS determines that community services need to be supplemented, mental health outpatient treatment and services, day programming, consultation and services in residential facilities, including group homes, child caring institutions and community-based residential facilities, that are situated on the grounds of a mental health institute. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes and DHFS rules that regulate facilities, govern certain mental health services and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory or rules provision that is most protective of the health, safety, welfare or rights of the recipient of the services, as

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determined by the mental health institute. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town or village ordinances, do not apply to provision of the services.

Under current law, DHFS provides funding through county departments of community programs for mental health treatment services for persons who are in or relocated from facilities that have been found by the federal health care financing administration to be institutions for mental diseases (and, thus, ineligible for receipt of MA). Also under current law, every person who applies for admission to a nursing home or to an institution for mental diseases must be screened to determine if the person has a developmental disability or a mental illness and, if so, whether the person needs facility care and active treatment for the developmental disability or mental illness.

This bill requires DHFS to provide funding for active treatment of a person in a nursing home or institution for mental diseases who has been determined, through screening, to have a mental illness and to need the treatment.

Under current law, county departments of community programs authorize the care of all patients in state mental health institutes. DHFS regularly bills the county departments for care provided by mental health institutes at rates that reflect the estimated per diem cost of specific levels of care, as adjusted periodically by DHFS.

This bill authorizes DHFS to set rates on a flexible basis, rather than at the estimated per diem cost of specific levels of care, for billing county departments of community programs for care provided in mental health institutes. The bill requires that the flexible rate structure recover the cost of operations.

Under current law, DHFS provides services at the Southern Center for the Developmentally Disabled for up to ten developmentally disabled persons who are mentally ill or exhibit extremely aggressive and challenging behaviors and for up to 12 such persons at the Northern Center for the Developmentally Disabled. This bill increases to 36 the total number of such persons for whom DHFS may provide services and permits the services to be provided at the southern, northern and central state centers for the developmentally disabled.

OTHER HEALTH AND SOCIAL SERVICES

Under current law, DHFS and the department of commerce are authorized to jointly regulate sources of ionizing and nonionizing radiation. DHFS annually registers sites of ionizing radiation installations, such as medical sites, and imposes annual fees for each site and each X-ray tube at the site. Violation of the regulatory statutes or rules subjects the violator to a forfeiture.

This bill eliminates the authority of the department of commerce to regulate sources of ionizing and nonionizing radiation. The bill authorizes the governor to enter into agreements with the U.S. Nuclear Regulatory Commission to discontinue certain federal governmental licensing and related regulatory authority with respect to by-product, source and special nuclear radioactive material and to assume state

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regulatory authority. Under the bill, if the agreements are made, persons possessing licenses issued by the U.S. Nuclear Regulatory Commission are considered to be licensed by the state.

The bill authorizes DHFS, beginning on January 1, 2003, to license specifically the possession, use, transfer or acquisition of radioactive by-product material and to license specifically the possession, use, manufacture, production, transfer or acquisition of radioactive material or devices or items that use radioactive material and to operate a site that uses radioactive material. The bill also authorizes DHFS to establish general license requirements for the possession, use, transfer or acquisition of by-product radioactive material or devices or items that contain by-product radioactive material.

The bill authorizes DHFS annually, until January 1, 2003, to assess a fee of 36% of the U.S. Nuclear Regulatory Commission license application fee and annual materials license fee, for any person in this state holding a license issued by the U.S. Nuclear Regulatory Commission. The bill also authorizes DHFS to revise the fee amounts.

The bill eliminates court-imposed forfeitures for violations of the radiation regulatory statutes and rules of DHFS and instead establishes administrative forfeitures that DHFS may directly assess.

Lastly, the bill authorizes DHFS to issue emergency orders to protect the public from radiation exposure; increases the annual fees for registration of ionizing radiation installation sites and for X-ray tubes at those sites; and changes current law to prohibit, rather than to allow, the transfer of registration of ionizing radiation installations if ownership transfers.

This bill appropriates federal substance abuse block grant moneys to DHFS and authorizes DHFS to award the moneys to counties and private entities to provide community-based alcohol and other drug abuse treatment programs. The programs must meet the special needs of women with problems resulting from alcohol or other drug abuse and must emphasize parent education, vocational and housing assistance and coordination with other community programs and with treatment under intensive care.

Under current law, DHFS distributes community aids to counties to provide social, mental health, developmental disabilities and alcohol and other drug abuse services. DHFS must distribute community aids in the form of a basic county allocation, together with certain categorical allocations, including an allocation for Alzheimer's family and caregiver support. A county's annual community aids allocation is specified in a contract between DHFS and the county, and DHFS distributes the county's allocation in reimbursement of claims submitted by the county for moneys expended for those services.

This bill specifies that DHFS may distribute no more than \$4,500,000 of the basic county allocation in each fiscal year based on performance standards developed by DHFS for services funded by community aids. The bill provides that, if a care management organization under the family care program, created under the bill (see

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LONG-TERM CARE; FAMILY CARE), is available in a county, DHFS may dispose of the county's Alzheimer's family and caregiver support allocation and not more than 21.3% of the county's basic county allocation by transferring a portion of those allocations, as determined by DHFS, to the family care program to fund the services of resource centers and care management organizations under that program and by transferring a portion of those allocations, as determined by DHFS, to the county's allocation for adult protective services created under the bill.

On January 4, 1999, DWD assumed responsibility from the clerks of court for receiving and disbursing child support, maintenance, family support and other support-related payments. A payer of support or maintenance currently must pay an annual receipt and disbursement fee of \$25 to DWD. This bill provides that the receipt and disbursement fee must be paid by wage assignment, just as support and maintenance payments are paid.

Current law provides that each order for child or family support, maintenance or spousal support is an automatic assignment of a person's wages to DWD in an amount that is sufficient to ensure payment of the amount under the order, as well as any arrearages due at a periodic rate that does not exceed 50% of the amount due under the order, as long as the additional amount for arrearages does not leave the person at an income below the federal poverty line. Current law also provides that, if an assignment does not require immediately effective withholding and the payer misses a payment, the court or family court commissioner may cause the assignment to go into effect by providing notice of the assignment to the payer's employer or other person from whom the payer receives or will receive money. The payer also receives notice and may request a hearing on whether the assignment should remain in effect.

This bill clarifies that the portion of the original assignment that was for any arrearages due is an assigned amount that does not require immediately effective withholding and that, if a payer accrues an arrearage by missing a payment, the assignment of the arrearage may be put into effect, without another court hearing, by providing notice to the payer and to a person from whom the payer receives or will receive money. The bill provides that, in addition to the court and the family court commissioner, the county child support agency may cause the assignment for arrearages to go into effect by sending the required notices.

The bill also provides that the wage assignment of a person obligated to pay support or maintenance continues in effect after the person no longer has a current obligation to pay if the person has an arrearage in the payment of support or maintenance. The amount of the assignment may be up to the amount that the assignment was before the person's current obligation to pay support or maintenance terminated.

Under current law, in a number of situations the state may join in an action affecting the family (such as a divorce action or an action to enforce a child support order) as a real party in interest for purposes of establishing paternity or securing future support or reimbursement of aid paid. The most common situation is when a child or custodial parent of a child involved in the action is the recipient of certain

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services or benefits provided by the state. This bill adds another situation under which the state may join in an action as a real party in interest: if a custodial parent involved in the action is receiving food stamp benefits.

Under current law, DWD certifies to the department of revenue (DOR) the names of individuals who are delinquent in the payment of child or family support, maintenance, medical expenses of a child or birth expenses (support). DOR uses the information to intercept income tax refunds that would be paid to those delinquent obligors. DWD also provides the certifications that it makes to DOR to various specified state agencies that make grants or loans to individuals. Any individual who is the subject of such a certification is prohibited from receiving a grant or loan.

Also under current law, if an individual who has a court-ordered obligation to make periodic payments of support fails to make a payment, the amount of the delinquent support automatically becomes a lien against all of the individual's property. DWD is required to maintain a statewide support lien docket that lists the delinquent obligors and the amount of support that each owes.

This bill eliminates the requirement that DWD provide to the various specified state agencies the certifications that it provides to DOR. Instead the bill prohibits each agency from making a grant or loan to an individual whose name appears on the statewide support lien docket, unless the individual provides to the agency a copy of a payment agreement that has been approved by a county child support agency for the payment of the delinquent support.

Under current law, the state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as IV-E funds), in reimbursement of moneys expended by the state and the counties for activities relating to foster care and the adoption of children. DHFS distributes IV-E funds as community aids to counties for the provision of social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV-E funds allocated as community aids in that year (excess IV-E funds), DHFS must carry forward to the next year those excess IV-E funds and distribute not less than 50% of those excess IV-E funds to counties other than Milwaukee County for services and projects to assist children and families.

This bill requires DHFS to distribute as community aids to counties other than Milwaukee County any MA funds received as reimbursement of moneys expended in those counties by the state and by the counties for case management services provided to children who are recipients of MA (MA targeted case management funds). The bill also provides that, if on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the combined amount of IV-E funds and MA targeted case management funds distributed as community aids in that year (excess IV-E and MA targeted case management funds), DHFS must carry forward to the next year those excess IV-E and MA targeted case management funds and distribute those excess funds to

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counties other than Milwaukee County for services and projects to assist children and families.

The bill also requires DHFS to establish and counties to implement a statewide automated child welfare information system (generally referred to as WISACWIS) before July 1, 2006; permits DHFS, beginning on July 1, 2001, to distribute excess IV-E funds only to counties that are making a good faith effort to implement WISACWIS; and permits DHFS to recover from a county that does not implement WISACWIS before July 1, 2006, any excess IV-E funds distributed to that county after June 30, 2001.

Under current law, general purpose revenue funds services for adolescent parents that emphasize high school graduation and vocational preparation, training and experience (otherwise known as adolescent self-sufficiency services); adolescent pregnancy prevention services; in Milwaukee County, services of an adolescent resource center and services related to development of adolescent parenting skills; and the provision of information to communities about problems of adolescents and information to and activities for adolescents to aid in skills development (otherwise known as adolescent choices project grants). This bill substitutes moneys that are received under the federal TANF block grant to fund all of these services.

Current law directs the adolescent pregnancy prevention and pregnancy services board to award grants to provide adolescent pregnancy prevention programs or pregnancy services. The grants currently are funded with general purpose revenue. This bill funds the grants with moneys that are received under the federal TANF block grant program.

This bill appropriates moneys derived from Indian gaming compacts to fund the American Indian drug abuse prevention and education program, to fund the delivery of social services and mental hygiene services to American Indians and to fund vocational rehabilitation services for Native American individuals and federally recognized tribes or bands.

Currently, each person ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug (OWI) is required to pay a driver improvement surcharge of \$340. A majority (62.4%) of the money collected from the driver improvement surcharge is used by the county where the violation occurred to provide alcohol and other drug abuse services to drivers who are referred for alcohol or other drug abuse assessment. A portion of the remainder of the money is used to provide chemical testing training to law enforcement officers and a portion is allocated by the secretary of administration to various state agencies for services related to OWI offenses.

Under this bill, of the money received by the state from the driver improvement surcharge, \$290,900 is transferred to the department of transportation for the purchase of preliminary breath screening instruments. These instruments are used

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to test the breath of a person who is suspected of committing an OWI offense at the time that the person is stopped to help determine if an arrest is appropriate.

INSURANCE

This bill requires every managed care plan, which is, generally, a health care plan that requires insureds to obtain services from certain specified providers under contract with the health care plan, to offer at least one point-of-service coverage option in each geographical service area of the managed care plan. A point-of-service coverage option is a coverage option under which an insured may obtain health care services that are paid for by the health care plan from a provider of his or her choice, regardless of whether that provider is a participating provider of the insured's health care plan or a member of the health care plan's provider network.

This bill authorizes the office of the commissioner of insurance (OCI) to make a grant of not more than \$200,000 to a private organization for the establishment of private health insurance purchasing pools for small employers. (Generally, small employers are those with 50 or fewer employees.) The private organization must submit a business plan to OCI and the commissioner of insurance must approve the plan before the grant may be made. OCI and the private organization must enter into a written agreement concerning the use of the grant proceeds, and the private organization must submit a report to OCI after spending the proceeds.

Under current law, most policy forms for all types of insurance must be filed with OCI and approved prior to use. This bill allows the commissioner to exempt certain classes of insurance policy forms from the requirement for prior filing and approval.

Currently, OCI charges various fees for services that it provides, as well as for its regulation of the insurance industry. This bill changes the amount of the fee that OCI charges an applicant for examination for a license as an insurance intermediary and the amount of the fee for regulating an insurance intermediary each year after the year in which the intermediary's license was initially issued to amounts set by the commissioner by rule.

LOCAL GOVERNMENT

Under current law, a county board may engage in zoning and land-use planning that may result in the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan. The development plan may include a number of elements, such as comprehensive surveys, existing land-use, population, economy, soil characteristics, wetland and floodplain conditions and natural features of the county.

Also under current law, a city or village, or certain towns that exercise village powers, may create a plan commission to engage in zoning and land-use planning.

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The plan commission must adopt a master plan for the physical development of the city, village or town including, in some instances, unincorporated areas outside of the city or village. The master plan is required to show the commission's recommendations for such physical development, and must also contain a comprehensive zoning plan.

Also under current law, regional planning commissions (RPCs) may be created by the governor or, in response to a resolution submitted by the governing body of a city, village, town or county (political subdivision), by a state agency or official that the governor designates. Currently, there are eight multicounty RPCs in the state and one RPC that consists only of Dane County. Five counties, which are adjacent to Dane County, are not in an RPC. Generally, the membership composition of an RPC is specified by statute, and the governor may dissolve an RPC by the request of a majority of the local governments in the region.

An RPC is required to prepare a master plan for the physical development of the region, which must contain the RPC's recommendations for such physical development. The elements of an RPC's master plan are the same as the elements contained in a master plan developed by a city, a village and certain towns, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the RPC on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in an RPC, and the Dane County board, to vote on whether they want to participate in a new multicounty RPC. If at least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city must follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of an RPC that consists of only one county.

The bill also changes the requirements that must be contained in a county development plan or a city, village, town or RPC master plan. Under the bill, all such plans must do all of the following:

1. Include background information on the local governmental unit and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20-year planning period.

2. Include information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.

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3. Address transportation issues and evaluate the relationship between the local governmental unit's transportation plans and state and regional transportation plans.

4. Guide the development of public and private utilities, governmental services and community facilities.

5. Guide the development of conservation policies for, and the effective management of, agricultural, natural, historic and cultural resources.

6. Promote the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.

7. Provide for joint planning and decision making with other jurisdictions.

8. Guide the future development and redevelopment of public and private property in the local governmental unit.

9. Contain programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

The bill does not, however, require a local governmental unit to take any specific action at any particular time. If a local governmental unit that has not created a development plan or a master plan before the effective date of the bill does so, or amends an existing plan after the effective date of the bill, the new elements of a development plan or master plan that are contained in the bill must be used.

Under current law, most towns may incorporate as a city or village only after following certain procedures and receiving approval for the incorporation from a circuit court and from the department of administration (DOA). The circuit court must review the incorporation petition to ensure compliance with procedural and signature requirements and must make several determinations relating to minimum area and population density requirements of the area to be incorporated. This bill reduces the minimum area requirements from four square miles to three square miles under certain circumstances. DOA must also determine whether the proposed incorporation is in the public interest.

Current law allows any combination of cities, villages or towns (municipalities) to determine the boundary lines between them under a cooperative plan that is approved by DOA. This bill authorizes municipalities that enter into a cooperative plan to include as part of the plan the incorporation of all or part of a town into a city or village. Because an incorporation that is part of a cooperative plan may not take effect unless it is approved in a referendum, such a plan must include a contingency cooperative plan that will take the place of the plan if the proposed incorporation is defeated in the referendum. An incorporation as part of a cooperative plan is subject to DOA review and very limited circuit court review.

Under current law, a city, village, town or county (political subdivision) may create an environmental remediation tax incremental district (ERTID) to defray the costs of remediating contaminated property that is owned by the political

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subdivision. The mechanism for financing eligible costs is very similar to the mechanism under the tax incremental financing (TIF) program.

Under this bill, ER tax incremental financing may be used to defray the costs of remediating contaminated property that is owned by private persons.

Currently, before a political subdivision may use ER tax incremental financing, it must create a joint review board that is similar to the current tax incremental district (TID) joint review board, or a city or village may use an existing TID joint review board, to review the political subdivision's proposal to remediate environmental pollution. If the joint review board approves the proposal, the political subdivision may proceed with its plan. An ERTID joint review board is made up of one representative chosen by the school district that has power to levy taxes on the property that is remediated, one representative chosen by the technical college district that has power to levy taxes on the property, one representative chosen by the county that has power to levy taxes on the property that is remediated, one representative chosen by the political subdivision and one public member.

This bill clarifies that the joint review board consists of one representative from each of the taxing jurisdictions that has power to levy taxes on the property in the ERTID.

Under current law, if more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property that is remediated, the unit in which is located property that has the greatest value chooses that representative to the board. Under the bill, a similar provision applies if more than one city, village or town has the power to levy taxes on the property that is remediated.

Currently, a political subdivision that has incurred eligible costs to remediate environmental pollution on a parcel of property may apply to the department of revenue (DOR) to certify the environmental remediation tax incremental base (ERTIB) of the parcel.

Under the bill, the environmental remediation does not need to be completed before a political subdivision may apply to DOR to certify the ERTIB. The political subdivision is required, under the bill, to submit to DOR a statement that the political subdivision has incurred some eligible costs and to include with the statement a detailed proposed remedial action plan that contains cost estimates for anticipated eligible costs. The political subdivision is also required to include certification from DNR that the department has approved the site investigation report that relates to the parcel.

Currently, eligible costs are costs related to the removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution. Eligible costs are reduced by any amounts received from persons who are responsible for the discharge of a hazardous substance on the property and by the amount of net gain on the sale of the property by the political subdivision.

This bill includes in eligible costs property acquisition costs, costs associated with the restoration of air, surface water and sediments affected by environmental pollution, demolition costs including asbestos removal, and the costs of removing and disposing of certain abandoned containers. The bill reduces eligible costs by any

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amounts received, or reasonably expected by the political subdivision to be received, from a local, state or federal program for the remediation of contamination in the district and that do not require reimbursement or repayment. Under the bill, a political subdivision is authorized to use an ER tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision.

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village. In a county with a population of at least 50,000, DOA is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation.

Under this bill, the period of time under which DOA renders its opinion is expanded from 20 days to 60 days. DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or does not conform to generally accepted standards for the preparation of legal descriptions or scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process may proceed.

Currently, an annexation ordinance takes effect upon the enactment of the ordinance. Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

Under the current blighted area law, cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current Blight Elimination and Slum Clearance Act, a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs. Under the TIF program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

This bill adds environmental pollution to the current definition of a blighted area under the blighted area law, the Blight Elimination and Slum Clearance Act and the TIF program.

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access.

This bill specifically authorizes the custodian of any record of a local governmental unit to withhold from access information contained in a record of the

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governmental unit pertaining to the home address or home telephone number of any employe of that governmental unit.

NATURAL RESOURCES**FISH, GAME AND WILDLIFE**

This bill changes the fees charged by the department of natural resources (DNR) for certain hunting and fishing approvals. For hunting, the bill increases the fees for all resident hunting licenses except turkey hunting licenses and small game hunting licenses issued to certain persons. The bill increases the fees for all nonresident hunting licenses except turkey hunting licenses. The bill also increases the fees for trapping licenses, bonus deer hunting permits and wild turkey hunting stamps. The bill decreases the fee for pheasant hunting stamps.

For fishing approvals, the bill increases the fees for resident annual fishing licenses and fishing licenses issued jointly to resident married couples. The bill increases the fees for all nonresident fishing licenses except two-day sports fishing licenses. The bill increases the fee for sturgeon spearing licenses and decreases the fees for inland waters trout stamps and Great Lakes trout and salmon stamps.

This bill increases the fees charged by DNR for licenses for wild animal game farms, except fur animal farms, and for wildlife exhibits.

The bill also authorizes DNR to impose surcharges for the following licenses:

1. Licenses for game farms on which there are bears or cougars.
2. Licenses for game farms on which the licensee permits an individual to hunt game birds for a fee.
3. Licenses for game farms on which the licensee sells game animals, the gross revenue from which is \$10,000 or more in the preceding license year.

Under current law, state agencies, including DNR, must release certain information to a third party upon that party's request. This bill changes this requirement as it applies to information about holders of fish and game licenses, stamps and other approvals (approval holders) as follows:

1. DNR may not release any information about approval holders who are under the age of 18 or about approval holders who request that DNR not release any such information.
2. DNR may, at its discretion, release the names and addresses of, and demographic information about, all other approval holders and may produce and sell lists of the names, addresses and demographic information.
3. DNR may not release telephone numbers or driver's license numbers of approval holders, or approval numbers or identification numbers given to approval holders by DNR, under any circumstances.

Under current law, DNR may issue bonus deer hunting permits to state residents and nonresidents who hold deer hunting licenses in order to control the state's deer population. This permit allows the holder to kill an additional deer. Under current law, most applicants must pay a fee for this permit. Also under

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current law, DNR or its agents collect an issuing fee for most fish and game licenses. This bill requires that if a person must pay a fee for a bonus deer hunting permit, he or she must also pay an issuing fee.

Under current law, DNR appoints agents to issue fish and game approvals. DNR may charge a handling fee to cover the costs incurred by DNR in issuing these approvals by mail, telephone or electronic means. Under this bill, DNR may authorize any of its agents to collect and retain this handling fee.

This bill requires that DNR establish a system to allow a hunter to reserve the same deer hunting back tag number each year upon payment of a reservation fee. DNR may limit the number of back tag numbers that may be reserved.

This bill grants DNR specific authority to promulgate rules to regulate wildlife rehabilitators. The rules may include a system for issuing rehabilitator licenses or permits.

Under current law, if DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, the band may elect to issue DNR fishing licenses and DNR inland waters trout stamps as an agent of DNR and to retain the fees that the band collects for these licenses and stamps. Current law also authorizes DNR to pay the band an amount equal to the amount that DNR collects from its other agents who issue DNR fishing licenses and trout stamps on the reservation if the agreement is in effect. Under current law, these payments are made from the conservation fund.

This bill provides additional funding for these payments from moneys received by the state under Indian gaming compacts.

This bill provides funding to DNR for costs associated with the management of the state's elk population from moneys received by the state under Indian gaming compacts.

NAVIGABLE WATERS

Under current law, with certain exceptions, a riparian owner may not place a structure or deposit or conduct certain other activities in a navigable body of water without first obtaining a permit from or entering into a contract with DNR. For most structures, deposits or activities (riparian activities) that require a permit or contract, the procedure for obtaining the permit or contract requires that DNR provide notice to the public in a newspaper that is likely to give notice in the area where the riparian activity will be located and to the county and city, village or town (municipality) in which the riparian activity will be located. If DNR receives a written objection in response to the notice, it must hold a public hearing on the issue of whether it should approve the permit or contract. DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that

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substantial interests of any party may be adversely affected by the granting of the permit or contract. For certain other riparian activities that require permits, current law does not require this notice and hearing procedure. These riparian activities include the placement of fish cribs, bird nesting platforms, gravel, riprap and bridges less than 35 feet wide and the enlargement of certain artificial waterways.

This bill changes these public notice and hearing procedures. These changes include the following:

1. The first notice issued by DNR must contain a preliminary decision of whether to grant the permit or the contract instead of stating that DNR will render a decision without a hearing unless a substantive written objection is received within 30 days. The preliminary decision becomes final if no such objection is received within 30 days.

2. If DNR receives such an objection, it must distribute a notice to certain interested parties. Also, for certain types of permits or contracts and wherever DNR determines that an environmental impact assessment is required, the applicant for the permit or contract must publish a notice containing the preliminary decision in an area newspaper.

3. If an objection is timely filed in response to these notices DNR must determine whether it is a substantive written objection and, if so, whether the riparian activity affects a public right or interest in navigable waters. If DNR determines the objection is substantive and that the riparian activity affects a public right or interest, DNR must offer the person making the objection the choice of a public hearing before an administrative law judge, an informal hearing before DNR staff, or a dispute resolution proceeding. If DNR determines that the objection is substantive but that the riparian activity does not affect a public right or interest, DNR must offer the choice between the informal hearing and the dispute resolution proceeding.

The riparian activities that are subject to these notice and hearing requirements under current law continue to be subject to the requirements under the bill. The bill also applies the requirements to the permits and contracts to remove material from beds of navigable waters.

Under current law, DNR must issue permits authorizing activities in navigable waters such as the placement of structures or deposits. For certain types of activities in navigable waters, DNR may issue a general permit that allows anyone to engage in a type of activity as opposed to an individual permit to a specific individual who wants to engage in the activity. Currently there are two programs under which DNR issues general permits. One applies throughout the state (regular program). The other program is a five-year project for the Wolf River and Fox River basin area, under which DNR issues general permits for any activity in navigable waters that requires a permit (pilot program). Under both programs, DNR issues a general permit if it determines that the environmental impact of the activity is insignificant and that the issuance of the permit will not cause pollution or injury to the rights of the public or riparian property owners.

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This bill eliminates the pilot program and makes the following changes in the regular program:

1. DNR may issue a general permit for any activity that requires a specific permit or a contract. Under current law, DNR may issue general permits for only certain activities that require permits such as placement of fish cribs, bird nesting platforms, gravel and riprap and the enlargement of certain waterways.

2. A time limit of five years is imposed on any general permit. There are no time limits under the current two programs.

3. A person is allowed to maintain a structure or deposit or continue an activity under the authority of a general permit after the general permit is no longer in effect unless DNR determines that the structure, deposit or activity is detrimental to a public right or interest in navigable waters.

4. Only municipalities, public inland lake protection and rehabilitation districts, town sanitary districts and groups of ten or more riparian owners that would be affected by the issuance of a general permit may apply for a general permit. Under the current regular program, anyone may apply. Under the pilot program, these specific persons plus any contractor who has been involved in placing structures along navigable waters and certain local entities such as certain lake associations and nonprofit conservation organizations may apply.

5. Public notice must be given and in certain cases, a public hearing must be held before DNR may issue a general permit for any activity. Under the pilot program, notice and hearing are required only if they are required before DNR issues an individual permit for the activity in question. Under the regular program there are no notice or hearing requirements because the types of activities for which general permits are available have no notice and hearing requirements before DNR may issue the permit.

6. A person conducting an activity under a general permit must comply with any local ordinance that contains standards that are at least as restrictive as those contained in the general permit. Currently, the pilot program requires compliance with any applicable local ordinances.

7. The fee structure for general permits and for authorization to act under general permits is incorporated from the pilot program.

8. DNR may inspect projects or activities in navigable waters that are undertaken pursuant to permits issued or contracts entered into by DNR. Currently the pilot program has similar provisions.

Under current law, most boats must have certificates of number or of registration that are issued every two years for a fee by DNR. The fees are generally based on the size of the boat. This bill increases these fees by 50% and increases the period of certification and registration to three years.

Under current law, DNR awards grants for planning projects to provide information on the quality of water in lakes. DNR also awards grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

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This bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes. The bill also specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

This bill creates a new grant program for river protection activities for certain rivers. The program includes grants for both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. River protection management grants may be used to purchase land or conservation easements in order to protect or improve a river or its ecosystem, to restore in-stream or shoreline habitat and to install pollution control practices. DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant. Cities, villages, towns, counties, special purpose districts, river management organizations that meet certain qualifications and nonprofit conservation organizations are eligible for these grants.

Under current law, no permit is required from DNR for highway and bridge work that is directed and supervised by the department of transportation (DOT) and that involves the placement of structures or the deposition of material in navigable waters of this state if the work is accomplished in accordance with interdepartmental liaison procedures established by DOT and DNR for minimizing the adverse environmental impact of the work.

This bill exempts any transportation project, including rail, harbor and airport projects, directed and supervised by DOT from having to obtain a permit from DNR to place structures or deposit material in navigable waters if the transportation project is accomplished in accordance with the interdepartmental liaison procedures. The bill also allows DOT, in connection with a transportation project, to construct, dredge or enlarge any artificial waterway connecting to a navigable water without obtaining a permit from DNR if the project is accomplished using the interdepartmental liaison procedures.

Under current law, DNR awards grants to municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if the activities cost less than maintaining, repairing, modifying or removing the dam. Currently, at least \$250,000 of the \$11,850,000 in grant assistance must be spent to remove dams that are less than 15 feet wide and that create impoundments of 50 acre-feet or less. This bill changes these size requirements to 15 feet in height and 100 surface acres.

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This bill authorizes DNR to charge a fee for providing any information that DNR maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information.

RECREATION

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by an adult. A minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under this bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to current law for minors under 12 years old.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. This bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all-terrain vehicle and from operating a snowmobile or all-terrain vehicle with a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all-terrain vehicle or boat.

This bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order and to order out of operation a snowmobile found to be unsafe for operation or in violation of required equipment standards. Conservation wardens may issue a repair order to the owner or operator of the snowmobile in addition to or instead of any penalties that apply to violating the equipment standards. The bill also prohibits DNR and American Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

Under current law, DNR administers a registration system for all-terrain vehicles, boats and snowmobiles. This bill authorizes DNR to appoint agents, who may be county clerks or other persons not employed by DNR, to issue all-terrain vehicle and snowmobile registration certificates and to renew certain all-terrain

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vehicle and snowmobile certificates and all certificates of number and registration for boats. The bill also authorizes DNR to establish an expedited service for these renewals, which may be used by the agents or by DNR directly.

The bill establishes a fee of \$3 for the issuance of these registration documents by DNR agents and requires that the agents remit \$2 of each issuing fee to DNR. The bill authorizes DNR to establish a supplemental renewal fee for renewals done by agents or for the use of expedited services by persons who wish to renew the certificates immediately and in person.

Under current law, DNR provides supplemental aid for the maintenance and grooming of state and county snowmobile trails if the actual cost of maintenance or grooming exceeds the amount determined under the trail aids formula, which sets a maximum amount per mile of trail. Currently, this supplemental aid is funded by moneys transferred from the transportation fund to the conservation fund. The amount transferred annually equals 40% of the estimated amount of excise tax paid on gasoline by operators of snowmobiles registered in this state.

This bill provides additional funding for these supplemental trail aids from the fees charged by DNR for snowmobile trail use stickers, which are required on most snowmobiles that are operated in this state but not registered in this state.

This bill provides funding for snowmobile enforcement and safety activities from moneys received by the state under Indian gaming compacts.

OTHER NATURAL RESOURCES

This bill creates the natural resources land endowment fund, which is a nonlapsible trust fund consisting of gifts, grants and bequests made to the fund. Moneys in the fund may be used by DNR to preserve, develop, manage and maintain lands under the jurisdiction of DNR that are used for conservation or recreational purposes.

This bill authorizes DNR to pay rewards to individuals who provide information to DNR that leads to a finding by a court that a person has committed a violation of one of the statutes, administrative rules or ordinances enforced by DNR. The bill authorizes the natural resources board to evaluate reward claims and determine whether, and in what amount, a reward will be paid.

Under current law, DNR may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. This bill authorizes DNR to designate, acquire, develop and manage land for the purpose of conserving the state's natural resources. DNR must designate such lands state natural resource areas. DNR may allow various resource management and recreational uses within the boundaries of the state natural resources areas.

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Under current law, DNR administers four programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. Each program has somewhat different provisions establishing or regulating the instruction fee charged for participation in the program and the portion of that fee that the instructor may keep to cover his or her expenses. This bill makes these provisions uniform. Under the bill, all of these fees are set by rule by DNR and the instructor may keep up to 50% of the fee. As under current law, the portion of the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund.

Under current law, the Minnesota–Wisconsin boundary area commission is a joint commission created by a compact entered into between Minnesota and Wisconsin. The commission addresses issues relating to land and water use along the boundary between the two states. This bill repeals the authorization for Wisconsin’s representation on the commission and withdraws Wisconsin from the compact and the joint commission.

This bill annually transfers \$2,000,000 in moneys received by the state under Indian gaming compacts to the conservation fund.

Under current law, DNR administers the stewardship program, under which funding is provided for various conservation purposes. This bill allows DNR to spend up to \$500,000 from stewardship funds for the establishment and development of a state park that will provide access to Lake Michigan from the city of Milwaukee. Current law limits the use of some of the area to be included in the state park to only navigation and fishery purposes. This bill allows this area to also be used for public park purposes.

This bill appropriates federal moneys for the construction of pedestrian and bicycle facilities along Lake Michigan in the city of Milwaukee.

Currently, DNR’s administrative rules establish water quality standards for wetlands. Activities that are carried out by DOT in connection with highway and bridge construction and maintenance are exempt from these rules if the activities comply with certain interdepartmental procedures established by DNR and DOT for minimizing the adverse environmental impact of the activities. This bill creates an additional exemption from these wetland water quality standards for activities that affect wetland areas if the wetland area that will be affected is less than 15 acres, the activity is in a city in Trempealeau County and the city adopts a resolution stating that the exemption is necessary to protect jobs or promote the creating of jobs in the city. The bill also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity.

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Currently, DNR requires that certain persons provide performance bonds or other surety when entering into a timber sale contract to cut or remove timber products from state forest lands. This bill appropriates to DNR all the money it receives from such a surety for any costs incurred to repair or otherwise remedy any damage caused by the person while performing under the contract.

Under current law, DNR awards grants for fire-fighting equipment to cities, villages, towns, counties and fire-fighting organizations. The grant recipient must agree to assist DNR in fighting forest fires when requested to do so by DNR. This bill eliminates the current sunset for the program of June 30, 1999.

OCCUPATIONAL REGULATION

This bill changes the fees that the department of regulation and licensing (DORL) charges for all initial and renewal credentials of the occupations and businesses that DORL regulates except for renewal credentials for aesthetics schools, barbering or cosmetology schools, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools and manicuring schools.

This bill requires DORL to prepare proposed legislation that establishes a process for annually evaluating the necessity of at least 25% of the credentialing boards in DORL and eliminating those that are unnecessary. The proposed legislation must also establish four-year credentials instead of two-year credentials under current law.

This bill requires DORL to promulgate rules that establish additional fees that an applicant must pay if the applicant requests DORL to process an initial application for a credential or a renewal application on an expedited basis.

Under current law, DORL may, under certain circumstances, cancel a credential if the credential holder pays an initial or renewal credential fee with a check that is not paid by the bank upon which the check is drawn. This bill allows DORL to cancel a credential under the same circumstances for payment by a credit or debit card.

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with DORL. Under this bill, such a registration is required if a cemetery authority sells ten or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ten or more lots or spaces, but does not sell ten or more lots or spaces, is not required to register. The bill also specifies that a cemetery authority must file a separate registration with DORL for

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each cemetery at which it sells ten or more cemetery lots or mausoleum spaces in a calendar year.

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

Under current law, an employe of an audiologist or speech-language pathologist who assists the audiologist or speech-language pathologist is exempt from audiologist or speech-language pathologist licensure requirements. This bill expands this exemption to cover any individual, not just an employe, who provides assistance to an audiologist or speech-language pathologist.

RETIREMENT AND GROUP INSURANCE

Under current law, a participating employe in the Wisconsin retirement system (WRS) may purchase any creditable service that he or she may have forfeited in the past. To reestablish the creditable service, the participating employe must submit an application to the department of employe trust funds (DETF) for all of the creditable service that he or she forfeited and pay a lump sum that equals the employe's statutorily required contributions on his or her earnings for each year of creditable service.

This bill permits a participating employe to submit more than one application to purchase forfeited WRS creditable service and allows the participating employe to purchase all or part of the creditable service that he or she forfeited in the past.

Under current law, a participant in WRS may elect to receive a social security integrated annuity. A social security integrated annuity allows a participant to receive a higher WRS annuity before the age of 62 than he or she would ordinarily receive. When the participant begins to receive social security payments at the age of 62, the WRS annuity is reduced to an amount that is less than he or she would ordinarily receive. The amount of the accelerated WRS monthly annuity received by the participant before he or she attains the age of 62 equals the sum of the WRS monthly annuity and the social security monthly annuity received by the participant after he or she attains the age of 62. Under current law, however, if the participant dies before the age of 62, the death benefit is based on the reduced WRS benefit.

Under this bill, if the participant dies before the age of 62, the death benefit is computed as if the person died in the month in which the annuitant would have

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attained age 62. Thus, the death benefit paid will include the higher WRS annuity of a participant who was receiving a social security integrated annuity.

Under current law, with certain exceptions, if a state employe terminates employment in a position that is covered under WRS and has attained the minimum age to begin receiving a retirement benefit, or if a state employe is laid off, the employe's accumulated unused sick leave may be converted to credits for the payment of health insurance premiums during the employe's retirement or period of layoff.

This bill provides that, for most state employes, the credits may be used only to purchase health insurance under a plan contracted or provided by the group insurance board. However, for judges and district attorneys who became state employes in 1978 and 1990, respectively, and who elected to keep their county health insurance coverage, the credits may also be used to purchase health insurance provided by a county.

In addition, the bill authorizes the secretary of employe trust funds to promulgate rules permitting all state employes to use the credits for the purchase of additional health insurance, but only if the use of the credits to purchase the insurance will not result in the credits being treated as income under the Internal Revenue Code.

Under current law, DETF may not credit interest to moneys paid in error to DETF or to moneys paid to DETF by participants or employers that exceed Internal Revenue Code limits on contributions to a qualified governmental plan, such as WRS. This bill provides that DETF may credit interest on these moneys at a rate established by rule.

In addition, under current law, in the event DETF makes certain annuity underpayments that are not corrected within 12 months, DETF must pay interest on the amount of the underpayment at a rate of 0.4% for each full month during which the underpayment occurred. This bill provides that DETF must pay interest on the amount of the underpayment at a rate established by rule and eliminates the requirement that the underpayment not have been corrected within 12 months.

STATE GOVERNMENT**DISTRICT ATTORNEYS**

Under current law, the state pays the salaries of and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. This bill provides that two assistant district attorney positions (one each in Brown and Milwaukee counties) must be used exclusively to file and prosecute sexually violent person commitment petitions anywhere in this state.

STATE EMPLOYMENT

Under current law, with certain exceptions, positions in state government may only be authorized by law, by the legislature in budget determinations, by the joint committee on finance (JCF) and by the governor for certain positions funded from

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federal revenues. This bill authorizes the board of regents of the University of Wisconsin (UW) System to increase its authorized full-time equivalent positions that are funded, in whole or in part, with general purpose revenue by not more than 1% above the level authorized for the board. Under the bill, the board of regents must submit a proposal to the secretaries of administration and employment relations, together with its methodology for accounting for the cost of funding these positions. If the secretaries of administration and employment relations jointly approve the proposal, the positions are authorized.

Under current law, no individual, other than a state elective official, who is employed in a full-time position or capacity with any state agency or authority may hold any other position or be retained in any other capacity with any state agency or authority from which the individual receives more than \$12,000 during the same year. This bill exempts any member of the faculty or academic staff, other than a state elective official, who has a full-time appointment at an institution within the UW System and who holds any other position or is retained in any other capacity by a different institution within the UW System from the \$12,000 compensation restriction.

STATE FINANCE

Under current law, the state may issue revenue obligations for certain specified purposes. In general, a revenue obligation is an obligation that is: 1) incurred to purchase, acquire, lease, construct, improve, operate or manage a revenue-producing enterprise; and 2) repayable solely from, and secured solely by, the property or income from the revenue-producing enterprise. This bill allows revenue bonding in situations that are not allowed under current law. The bill creates two types of revenue obligations. The first type, called an enterprise obligation, includes all obligations authorized under current law but is broader in that it eliminates the requirement that the bond be repayable *solely* from, and be *solely* secured by, property or income from the revenue-producing enterprise.

The second type of revenue obligation, a special fund obligation, is an undertaking by the state to repay a certain amount of borrowed money that is payable from a special fund consisting of fees, penalties or excise taxes. The bill authorizes not more than \$450,000,000 of this second type of revenue obligation bonding for the PECFA program. These revenue obligations are to be repaid from, and are secured by, the petroleum inspection fund. The bill expresses the legislature's expectation and aspiration that, if the legislature reduces the rate of the petroleum inspection fee and the fees in the fund prove insufficient to pay the principal and interest on the revenue obligations, the legislature will make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

Currently, the investment board may contract with outside investment advisers for the management of assets from any fund or trust under its control for investment in real estate, mortgages, equities, debt of foreign corporations and debt

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of foreign governments. No more than 15% of the total assets of the fixed retirement investment trust or 15% of the total assets of the variable retirement investment trust may be covered by such contracts. This bill increases the cap from 15% to 25% of such funds.

Under current law, the investment board may establish a bonus compensation plan for the executive director and other employees of the board who are appointed in the unclassified service of the state. Under the plan, these employees may qualify for an annual bonus for meritorious performance, which is required to be distributed over a three-year period. Current law provides that the total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of all unclassified employees of the board. In addition, no bonus awarded to an individual employee for any fiscal year may exceed a total of 25% of the annual salary of the employee. In awarding bonus compensation for a given period, the board must consider the performance of funds similar to those for which it has managing authority and market indices for the same period.

This bill authorizes the investment board to create two different bonus compensation plans for two different groups of employees. The first plan provides bonus compensation for the executive director, internal auditor, unclassified employees appointed by the internal auditor and other unclassified employees of the board who are not investment professionals, as determined by the secretary of administration. This plan is identical to the bonus compensation plan under current law except that the total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of these employees as compared to all unclassified employees of the board.

The second plan provides bonus compensation for unclassified employees of the investment board who are investment professionals, as determined by the secretary of administration. The plan provides that the total amount of bonuses awarded for any fiscal year may not exceed a total of 25% of the total annualized salaries of these employees. In addition, the plan provides that no bonus awarded to an individual employee for any fiscal year may exceed a total of 50% of the annual salary of the employee. Under the plan, there is no requirement that the bonus compensation be paid out over a three-year period.

Under current law, the investment board must make all purchases of materials, supplies, equipment or services through the department of administration (DOA). DOA may delegate authority to the board and other state agencies to make purchases independently of DOA, but any agency to which DOA delegates purchasing authority must adhere to all statutory requirements that would apply if DOA made the purchases. In making purchases, DOA and the agencies to which DOA delegates purchasing authority are required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice, and to adhere to other requirements.

This bill permits the investment board to make all purchases independently of DOA, and excludes the investment board from certain requirements that DOA and

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other executive branch agencies must adhere to in making purchases, including the requirement for solicitation of bids or proposals preceded by public notice. Under the bill, the board must, however, procure all stationery and printing from the lowest responsible bidder.

Under current law, the secretary of administration must limit the total amount of any temporary reallocations from segregated funds to the general fund at any one time during a fiscal year to an amount equal to 5% of the total appropriations of general purpose revenue, calculated by the secretary as of that time and for that fiscal year. This bill authorizes the secretary of administration to permit an additional 3% of the total appropriations of general purpose revenue to be used for temporary reallocations to the general fund but only if the reallocation is for a period not to exceed 30 days.

Currently, all state agencies, except the legislature and the courts, must submit biennial budget requests to DOA no later than September 15 of each even-numbered year. This bill directs those agencies to submit biennial budget requests to DOA before each budget period no later than the date prescribed by DOA.

Current statutes provide that “[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than one percent of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as “Compensation Reserves” for that fiscal year ...”

This bill changes that provision, for fiscal years 2000–01 and thereafter, with respect to the percentage of the general fund balance as follows:

1. For fiscal year 2000–01, 1.1% of general purpose revenue (GPR) appropriations for that fiscal year.
2. For fiscal year 2001–02, 1.2% of GPR appropriations for that fiscal year.
3. For fiscal year 2002–03, 1.4% of GPR appropriations for that fiscal year.
4. For fiscal year 2003–04, 1.6% of GPR appropriations for that fiscal year.
5. For fiscal year 2004–05, 1.8% of GPR appropriations for that fiscal year.
6. For fiscal year 2005–06 and thereafter, 2% of GPR appropriations for that fiscal year.

Under current law, the board of commissioners of public lands (BCPL) is responsible for managing certain lands held in trust by the state. The proceeds from these lands are deposited in the common school fund, the normal school fund, the university fund and the agricultural college fund (collectively, the trust funds). Under current law, BCPL may deduct expenses necessarily incurred in caring for and selling the lands from moneys deposited in the trust funds. This bill provides that such expenses include soil surveys and soil mapping activities.

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Under current law, BCPL may loan moneys from the trust funds to certain local units to government. Current law also provides that any such borrower, after March 15 and prior to August 1 of any year, may prepay any part of the loan without penalty. This bill provides that, if a borrower prepays the outstanding principal balance of the loan before the due date of the first instalment payment, BCPL may charge the borrower a fee to cover any administrative costs incurred by BCPL in originating and servicing the loan.

Under current law, the governor may not administer, and no board, commission or department may encumber or expend, any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies JCF in writing that the block grant has been received and allows JCF an opportunity to review and approve or disapprove its proposed expenditure. This bill exempts from JCF review and approval the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs.

PUBLIC UTILITY REGULATION

This bill requires the public service commission (PSC) to conduct a study on implementing retail consumer choice for all consumers of electricity in this state. The study must address the following: 1) the infrastructure, taxation and statutory changes that are necessary for implementing retail choice; 2) recommendations for regulating new market entrants; 3) transitional, stranded and public benefits costs; and 4) the development and use of renewable energy resources.

Under current law, certain persons may file complaints with the PSC that allege a violation of the statutory provisions regarding public utilities. In addition, the PSC may, on its own motion, initiate a proceeding to determine whether such a violation has occurred.

This bill prohibits a person from filing a complaint, or making any other filing in a proceeding before the PSC, unless there is a nonfrivolous basis for doing so and unless each of the following is satisfied: 1) the filing is reasonably supported by applicable law; 2) the allegations in the filing have evidentiary support or are likely to have such support after further investigation or discovery; 3) the filing is not intended to harass another party to the proceeding; and 4) the filing is not intended to create a needless increase in the cost of litigation.

Within 60 days after a complaint is filed, the PSC must determine whether the complaint violates the specified prohibitions. The bill also allows the PSC to determine at any time during a proceeding whether a person has made a filing that violates the prohibitions. If the PSC determines that there is a violation, the PSC must order the violator to pay the reasonable expenses that any other party to the proceeding incurred because of the filing. In addition, the PSC may directly assess a forfeiture of between \$25 and \$5,000 against the violator.

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This bill allows the PSC to approve a tariff filed by an electric public utility that allows a firm customer of the utility (an industrial or commercial customer of the utility that receives firm service, which is retail electric service that is provided on a noninterruptible basis) to sell unused firm service to an interruptible customer of the utility, which is an industrial or commercial customer of the utility that receives retail electric service on an interruptible basis. The PSC may approve such a tariff if it determines that such sales contribute to energy conservation and load management that are designed to reduce the energy needs of firm customers. If a firm customer contracts with an interruptible customer for such a sale under a tariff approved under the bill, the public utility must replace the firm service that is sold by the firm customer with interruptible service, and provide firm service to the interruptible customer in an amount that is equal to 80% of the amount of firm service that was sold.

Under current law, the PSC may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and may order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession.

Also under current law, the PSC is allowed to withhold from public inspection any information that aids a competitor of a public utility. Under this bill, the PSC is required to withhold such information from public inspection. Under the bill, the PSC is also required to withhold from public inspection any information that is designated as confidential by a public utility that may aid a competitor of the public utility.

Under current law, a tariff filed with the PSC in which a telecommunications utility offers either a new telecommunications service or promotional rates may not take effect until ten days after the tariff is filed. Under certain specified circumstances, the PSC may also suspend the effectiveness of such a tariff. This bill provides that such a tariff is effective on the date specified in the tariff, unless the PSC suspends the effectiveness of the tariff as allowed under current law.

OTHER STATE GOVERNMENT***State building program***

This bill enumerates in the 1999–2001 state building program a full-scale aquaculture demonstration facility to be built at Ashland and to be operated by the board of regents of the UW System.

SENATE BILL 45***Wisconsin election campaign fund supplement***

Currently, a candidate for legislative office at the general election or a special election may qualify to receive a grant from the Wisconsin election campaign fund to finance certain campaign expenses. The maximum amount of the grant that is available to such a candidate may be reduced if the balance in the legislative and special election campaign account does not contain sufficient money to provide all eligible candidates who apply and qualify for grants with the maximum grants to which the candidates are entitled. The amount of money in the legislative and special election campaign account and the other accounts of the Wisconsin election campaign fund depends in part upon the number of designations made to the fund by individuals filing income tax returns.

This bill transfers \$750,000 in general purpose revenue into the legislative and special election campaign account in fiscal year 2000-01. The bill also directs the secretary of administration to submit proposed legislation relating to campaign finance reform and composition of the elections board to the cochairpersons of JCF no later than April 1, 1999.

State land information system

Currently, DOA may develop and maintain a geographic information system relating to land in this state. Currently, the land information board directs and supervises the state land information program. The board is abolished effective September 1, 2003. Prior to September 1, 2003, counties must transfer to the land information board a portion of the fees collected by registers of deeds for recording documents. Revenue from these fees supports the operation of the board and the remainder is used to provide grants to counties for land records modernization projects.

This bill directs the land information board to transfer a portion of this fee revenue, prior to September 1, 2003, to DOA for the purpose of developing and maintaining a computer-based Wisconsin land information system, without direction or supervision from the board. Under the bill, DOA continues to be responsible for the development and maintenance of the system on and after September 1, 2003, but the bill provides no specific funding for this purpose.

The bill also authorizes DOA to conduct soil surveys and soil mapping activities. Under the bill, DOA may assess any state agency any amount that it determines to be required to conduct the surveys and mapping activities. In addition, the bill permits DOA to contract with BCPL to conduct soil surveys and soil mapping activities on lands under the jurisdiction of BCPL.

State grants for local governmental planning

This bill permits DOA to award grants to counties, cities, villages, towns and regional planning commissions to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or to purchase computerized planning data, planning software or the hardware required to utilize that data or software. The grants are funded by federal moneys provided to this state for

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transportation-related planning activities. DOA must require any local governmental unit that receives a grant to finance at least 20% of the cost of the product or service to be funded by that grant from its own resources. All proposed expenditures to be made under any grant are subject to the written approval of the secretary of transportation.

National and community service board functions

Under current law, the national and community service board, attached to DOA, uses federal moneys and moneys that it receives from gifts, grants and bequests to assist persons who operate service programs that address unmet human, educational, environmental or public safety needs. Under this bill, the board is attached to the department of health and family services.

Currently, the national and community service board awards Wisconsin promise challenge grants to countywide consortia of public and private entities that provide resources to underserved youth. This program expires on January 1, 2000. The bill transfers administration of this program to DOA.

Penalty assessments

With certain exceptions, current law imposes a penalty assessment on any person who is ordered to pay a fine or forfeiture for violating a state law or a local ordinance. The penalty assessment is set at 23% of the total amount of the fines or forfeitures imposed for the violation. The moneys collected from penalty assessments are credited directly to various appropriation accounts based on a statutory formula and the appropriation accounts specify the purposes for which the moneys may be used. These purposes include: 1) training for local law enforcement officers and state correctional officers; 2) purchase of crime laboratory equipment; 3) matching federal funds provided for various law enforcement programs; 4) county-tribal law enforcement projects; 5) diversion of youth from gang activities; and 6) alcohol and other drug abuse prevention and treatment for minors.

This bill provides that, instead of being credited to specific appropriation accounts based on a statutory formula, all moneys collected from penalty assessments are credited to a single appropriation account in the office of justice assistance in DOA. Specified amounts of the moneys in this appropriation account are then transferred to other appropriation accounts to be used for the same purposes as under current law, except that under the bill no penalty assessment moneys are provided to fund county-tribal law enforcement projects. Under the bill, county-tribal law enforcement projects are funded using revenue that the state receives under Indian gaming compacts. The bill also allows penalty assessment moneys to be used for several new purposes, including information technology systems for DOC, automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

Resource recovery and recycling

This bill eliminates a requirement for DOA to maintain a clearinghouse of information regarding products made from recycled or recovered materials for

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purchase by state agencies and authorities. The bill also repeals an appropriation to DOA from the recycling fund to finance DOA's recycling procurement specifications functions and administration of the recycled materials clearinghouse.

State master lease program

Currently, DOA may enter into a master lease for the lease of goods or the provision of services on behalf of one or more state agencies. This procedure may be used in lieu of direct procurement of goods or services and in some cases is used to finance the acquisition of goods by the state.

This bill permits DOA to use a master lease to obtain any property (real or personal) or services on behalf of a state agency, except that DOA may not use a master lease to obtain facilities for use or occupancy by the state or to obtain internal improvements (public works). The bill also permits DOA to use a master lease to obtain any property or services related to public safety functions on behalf of a local government.

Currently, DOA may undertake energy conservation construction projects. These projects are different from other state building projects in that they are undertaken outside the authorized state building program and are not subject to public notice and bidding requirements. Under such a project, the contractor guarantees energy savings to be realized by the state in a stated amount within a specified period, and, if the savings are not realized by the state within that period, the contractor need not be paid by the state for any difference between the amount guaranteed in the contract and the actual savings realized when the state pays for the construction project. Currently, the contractor must finance construction of any project at its own expense.

Under this bill, the state or the contractor may finance the cost of construction. If the state finances the cost of construction and the savings resulting from the construction within the period specified in the audit are less than the amount specified in the contract, the contractor must remit the difference to the state. The bill provides that, if a master lease is used to finance payments to be made to a contractor who is engaged in such a construction project, the payments under the lease may not be conditioned upon any payment required to be made by the contractor resulting from the contractor's guarantee.

Glass ceiling initiative

This bill creates a glass ceiling board, which is attached to DOA for administrative purposes, and directs the board to do all of the following:

1. Administer a Governor's Glass Ceiling Award Program to recognize annually Wisconsin businesses and organizations that advance or promote the advancement of women and minority group members to upper-level management positions.
2. Disseminate information to employers on glass ceiling issues and effective programs that have helped eliminate barriers to the promotion of women and minority group members to upper-level management positions.
3. Identify businesses and industries that provide exceptional opportunities for women and minority group members to advance to upper-level management

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positions, and, whenever appropriate, promote the expansion of such businesses and industries in this state.

4. Actively promote the appointment of qualified women and minority group members to public and private governing bodies.

Ethics and lobbying law counsel

This bill permits the governor, upon request of the ethics board, to employ special counsel for the purpose of assisting the board in investigating or prosecuting an alleged violation of the lobbying regulation law or the code of ethics for state public officials and employes. The special counsel is paid from a sum sufficient appropriation for the compensation of special counsel. Currently, neither the governor nor the ethics board is authorized to employ special counsel for this purpose.

Cultural arts authorities

This bill directs the legislative reference bureau (LRB) to prepare a bill draft creating cultural arts authorities, based on instructions provided by DOA. The secretary of administration must submit the bill to the cochairpersons of JCF no later than April 1, 1999.

Sales of tobacco to minors

This bill requires the LRB to prepare legislation, based on final drafting instructions submitted by DOA no later than March 1, 1999, authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the secretary of administration to submit the proposed legislation to the cochairpersons of JCF not later than April 1, 1999.

Transitional housing grants

Under current law, DOA may award grants that do not exceed \$50,000 each to counties and municipalities, community action agencies and private, nonprofit organizations for the purpose of providing housing and associated support services to homeless families and individuals. This bill removes the dollar limit on the grants so that a grant of any size may be awarded.

Representation by department of justice

Currently, if requested to do so by the head of a state agency, the department of justice (DOJ) defends that agency or any state officer, employe or agent of that agency in a civil action brought against the agency or person for an act arising out of his or her official duties. In addition to receiving general program revenue, the attorney general is paid by state agencies for the legal services provided under contracts or understandings between DOJ and the other agencies.

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This bill appropriates to DOJ any money that is received by DOJ as the result of a contract or understanding between DOJ and another state agency that is approved by JCF or as part of the biennial budget act. Any money collected by DOJ under a contract or understanding with a state agency that is not approved by JCF or as part of the biennial budget act is not directly appropriated to DOJ. In addition, the bill provides that a state agency may not be charged for legal services provided to that agency by DOJ if DOJ is not required by statute to provide legal services to that agency and if that agency does not have a contract or understanding with DOJ that is approved by JCF or as part of the biennial budget act.

State employe addresses and telephone numbers

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access.

This bill specifically authorizes the custodian of any record of a state governmental unit to withhold from access information contained in a record of the governmental unit pertaining to the home address or home telephone number of any employe of that governmental unit.

Expenditure authority of department of administration

Currently, general purpose revenue is appropriated to DOA in separate appropriations for general program operations and for the operation of the state prosecution system (compensation of district attorneys and their deputies and assistants). This bill consolidates those appropriations.

Currently, program revenue is appropriated to DOA in four separate appropriations for: 1) transportation services; 2) printing, mail distribution and record services; 3) financial services; and 4) other services, except building construction services, telecommunications and data processing services, information technology services and projects and Wisconsin land council services. The revenue is derived from moneys received from other state agencies. This bill consolidates those four appropriations.

Under the consolidations, revenue collected for one purpose may be used by DOA for a different purpose within the same appropriation account, subject to the intent of the governor, JCF and legislature, as specified in various budgetary documents.

Funding source for department of administration positions

Currently, with limited exceptions, no state agency for which full-time equivalent positions have been authorized may change the funding source of any position that was provided by the legislature, JCF or the governor at the time the position was authorized or at the time the funding source was last changed.

This bill permits DOA, during the period beginning on the day on which this bill becomes law and ending on June 30, 2001, or on the day before publication of the

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2001-03 biennial budget act, whichever is later, to change the funding source of any position authorized for DOA to carry out its functions with respect to supervision and management, the land information board, risk management, facilities management, housing assistance or gaming regulation if the position is currently funded from program revenue and the funding for the position would remain funded from program revenue that is collected by DOA to carry out one of these functions. The bill provides that any such change in the funding source of a position remains in effect after the period specified in the bill unless changed in accordance with current procedures.

Arrangements between governor and state agencies

This bill permits the governor to enter into cooperative arrangements with state agencies under which the agencies provide assistance to the governor in carrying out his or her responsibilities. The bill also permits the governor to expend any moneys received from the agencies to carry out these arrangements. Currently, the governor is not expressly authorized to enter into such arrangements.

Legislative technology bureau services

This bill permits the director of the legislative technology services bureau, by lease agreement, to purchase and install computer networking equipment to serve facilities of state agencies that are located in the same building in which a legislative branch office is located or in an adjacent building, and to provide related maintenance and support services to such agencies. Currently, the bureau is authorized and directed to provide and coordinate information technology support and services to the legislative branch of state government only.

Consolidation of state vehicle fleet management functions

This bill directs DOA to submit for consideration of JCF during the fourth quarter of 1999, an implementation plan for consolidating the vehicle fleet management functions of the department of natural resources (DNR) with the corresponding functions of DOA. The bill also directs DOA to submit for consideration of JCF during the third quarter of 2000 an implementation plan for consolidating the vehicle fleet management functions of the department of transportation (DOT) and the UW-Madison with the corresponding functions of DOA. The bill permits JCF to approve or to modify and approve the plans. If JCF approves a plan, with or without modifications, DOA may implement that plan. If JCF does not approve any plan, DOA may not implement that plan.

TAXATION**INCOME TAXATION**

This bill makes various changes in the structure of the individual income tax system. The bill modifies the calculation of adjusted gross income (AGI), prohibits new claims from being made under certain income tax credits, creates a personal

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exemption, modifies the itemized deductions credit and modifies the sliding scale standard deduction and the tax rates and brackets.

Under current law, the standard income tax deduction has four different categories, each of which has a different deduction amount based on income. The maximum standard deduction amounts in each category phase out as income increases. This bill retains the same four categories and increases the maximum income at which the standard deduction reaches \$0.

Under current law, the dollar amounts of the standard deduction and the dollar amounts of Wisconsin AGI are indexed for inflation for taxable years that begin after December 31, 1998. This bill suspends indexing for taxable year 2000.

Under current law, there are three income tax brackets for single individuals, certain fiduciaries, heads of households and married persons. This bill expands the number of brackets to four and lowers the rate of taxation in all four brackets in taxable year 2000. The bill also lowers the rate of taxation for taxable year 2001 and all taxable years thereafter for the first three brackets. The brackets remain the same for taxable year 2001 and are indexed for inflation in taxable years thereafter.

Under current law, the individual income tax brackets are indexed for inflation for taxable years beginning after December 31, 1998. This bill suspends indexing until taxable years beginning after December 31, 2001.

Under current law, after an individual calculates his or her gross tax liability, several tax credits may be calculated to reduce his or her gross tax liability. Some credits, like the earned income tax credit and the homestead tax credit, are refundable. Some credits, like the school property tax credit, the working families tax credit and the married persons credit, are nonrefundable. Generally, with a refundable credit, if the amount of the claim exceeds the taxpayer's tax liability, or if there is no tax due, the excess amount of the credit is paid to the claimant by a check from the state. With a nonrefundable credit, the amount of the credit is available only up to the amount of the taxpayer's tax liability.

Under this bill, for taxable years beginning after December 31, 1999, no new claims may be filed for the following nonrefundable tax credits: the school property tax credit, the working families tax credit, the dependent credit and the senior credit. In addition, the bill increases the married persons tax credit from a maximum credit of \$385 to \$440 in taxable year 2000 and from a maximum of \$420 to \$480 in taxable years beginning after December 31, 2000.

Under current law, the department of revenue (DOR) may not adjust the withholding tables to reflect the changes made to the tax rates or the changes in dollar amounts with respect to bracket indexing or with respect to standard deduction indexing for taxable years that begin before January 1, 2000. Under this bill, DOR must adjust the withholding tables to reflect the changes made to the tax rates and changes in dollar amounts with respect to bracket indexing that are made in this bill on July 1, 2000.

Under current law, for homestead tax claims filed in 1991 and thereafter, the threshold income is \$8,000, the maximum property taxes that a claimant may use in calculating his or her credit are \$1,450 and the maximum eligible income is \$19,154. Under this bill, for claims filed in 2000 and thereafter, the maximum

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eligible income is raised to \$20,290. The threshold income and maximum property taxes remain the same as under current law.

The bill also modifies the nonrefundable itemized deductions credit. Under current law, the itemized deductions credit is calculated as 5% of the difference between the sum of certain amounts that are allowed as itemized deductions under the Internal Revenue Code (IRC) and the standard deduction. Under this bill, miscellaneous itemized deductions that are allowed as itemized deductions under the IRC are not allowed under the itemized deductions credit.

The bill creates a personal exemption for a taxpayer, the taxpayer's spouse and the taxpayer's dependents. The personal exemption is \$600 for each of these persons in taxable year 2000 and \$700 for each of these persons for taxable years that begin after December 31, 2000. An additional personal exemption exists for taxpayers who are at least 65 years old. This additional exemption is \$200 for taxable year 2000 and \$250 for taxable years that begin after December 31, 2000. The bill also eliminates the state's treatment of social security benefits, thus taxing the benefits at the rate used by the federal government, which is a higher rate.

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premiums factor and a payroll factor is used to attribute a portion of an insurance company's income to this state.

Under this bill, beginning on January 1, 2000, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state and the premiums factor will be the only factor used to attribute a portion of an insurance company's income to this state.

The bill also broadens the definition of sales as it relates to the sales factor used to apportion income for tax purposes. Receipts from the lease or rental of motor vehicles, rolling stock, aircraft and vessels used in this state are included in the sales factor. The sales factor also includes the royalties for the use of intangible property, the sales of intangible property and receipts from the performance of services.

Under current law, each separate corporation doing business in this state must file a tax return with DOR reporting its net income. Even separate corporations that are part of a unitary business, which is, generally, an affiliated group of corporations that operate as a unit and which is characterized by centralized management and decision making, are not required to file a combined tax return. Instead, a corporation doing business in this state that is part of a unitary business files a separate return.

This bill requires that an affiliated group of corporations that is part of a unitary business file a combined tax return with DOR. The bill creates a

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presumption that all corporations that are part of an affiliated group are unitary and must file a combined return.

Under current law, an eligible claimant may recover a certain amount of property taxes paid through the refundable farmland preservation credit. One of the eligibility requirements for the farmland preservation credit is that the farmland to which the credit relates must be subject either to a farmland preservation agreement or to a county exclusive agricultural use zoning ordinance that requires the claimant to abide by certain soil and water conservation standards.

Currently, the credit is computed under a formula that is based on property taxes accrued on the claimant's farmland in the preceding calendar year, the claimant's household income and the agreement or zoning provisions that cover the farmland. This bill retains most of the current law's formula but, for taxable years beginning after December 31, 2000, the formula does not include any factor for a farmland preservation agreement or exclusive agricultural use zoning. *See AGRICULTURE*. For new claims that are filed for taxable years beginning after December 31, 2000, the maximum credit for which a claimant is eligible is reduced from current law levels and no new claims may be filed for a taxable year that begins after December 31, 2002.

The bill also creates a new, refundable farmland preservation acreage credit. This credit may be claimed by any person who is an eligible claimant under the farmland preservation credit. Under the acreage credit, a claimant who sells, donates or otherwise transfers the development rights to the claimant's farmland to a nonprofit entity, the state or a city, village, town or county may claim the credit. The bill defines development rights as a holder's nonpossessory interest in farmland that imposes a limitation or affirmative obligation, the purpose of which is to retain or protect natural, scenic or open space values of farmland, assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality.

A nonprofit entity may develop the farmland with the written consent of the owner of the property and of the department of agriculture, trade and consumer protection, but only in a way that retains or protects natural, scenic or open space values of the farmland. If a claimant sells, donates or otherwise transfers development rights to a political subdivision, the political subdivision may develop the farmland only in a way that is consistent with certain comprehensive planning requirements.

The acreage credit may only be claimed by the claimant who owns the farmland when the development rights are initially transferred. No new claims may be filed under the acreage credit for taxable years that begin after December 31, 2002.

Current law provides a tuition expenses subtraction, or deduction, from federal adjusted gross income of up to \$3,000 per year per student for tuition to attend a university, college, technical college or other approved school that is located in this state or that is subject to the Minnesota-Wisconsin reciprocity agreement. The subtraction is phased out at certain income levels. Also under current law,

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nonresidents and part-year residents of this state may claim a prorated amount of the subtraction. This bill clarifies that the proration applicable to nonresidents and part-year residents of this state applies at all times and not just when the taxpayer is subject to the phaseout provisions and also changes current law such that the limitation of the credit to a claimant's total wages, income and net earnings from a trade or business taxable by this state applies to all taxpayers.

Under federal law, the amounts claimed under the state tuition expenses subtraction may also be claimed as a federal itemized deduction if the expenses are job-related. Under this bill, amounts claimed as a deduction under the tuition expenses subtraction may not be used in calculating the itemized deductions credit.

Under current law, an individual income tax refund that is payable on the basis of a joint return must be issued jointly to the persons who filed the return. Under this bill, if DOR is sent a copy of a formerly married couple's divorce judgment and that judgment apportions any tax refund that may be due the former couple, DOR is required to send the refund check to the person to whom the tax refund is apportioned, or one check to each of the former spouses, according to the apportionment that is specified under the terms of the judgment.

Currently, Wisconsin statutes provide that alimony and supplemental unemployment compensation that are paid while an individual is not a resident of this state may not be claimed as deductions for Wisconsin income tax purposes. The U.S. Supreme Court has ruled that a similar New York law violates the privileges and immunities clause of the U.S. Constitution. This bill modifies the statutes to conform to the U.S. Supreme Court's decision in the New York case.

Currently, the department of commerce administers three types of development zone programs. Generally, after the department designates an area as one of the three types of development zones, a person or corporation that conducts or that intends to conduct economic activity in the designated zone is or may be certified by the department as eligible for certain tax credits.

The calculation of one of these credits is based in part on a claimant's hiring members of a targeted group, as defined in the IRC, who are certified under a 90-day requirement by the department and who are also subject to certification rules under the IRC. This bill eliminates the requirement that certification must occur within a 90-day period.

Under current law, the state imposes an income or franchise tax on a foreign corporation doing business in this state. However, a foreign corporation may engage in certain business-related activities in this state without becoming subject to the state income or franchise tax.

This bill allows a foreign corporation to store its tangible personal property in this state and transfer possession of its tangible personal property to a person in this state, without becoming subject to the state income or franchise tax, if the other

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person uses the personal property for fabricating, processing, manufacturing or printing.

PROPERTY TAXATION

Under current law, DOR assesses the value of taxable property in a county or taxation district. A county or taxation district may appeal DOR's assessment of the property in the county or taxation district by filing an appeal with the tax appeals commission. If the tax appeals commission determines on appeal that DOR incorrectly assessed the taxable property in a county or taxation district, the tax appeals commission may redetermine the assessment. Under current law, the tax appeals commission is authorized to hear appeals of tax matters, at times and places designated by the commission, and tax matters that are small claims cases in which the amount in controversy is less than \$2,500. The tax appeals commission may impose a \$1,000 penalty on a taxpayer who pursues a frivolous appeal.

Under this bill, a county or taxation district may appeal DOR's assessment of the property of the county or taxation district by filing an appeal with DOR. DOR hears the appeal and, if DOR determines that the appealed assessment is incorrect, DOR redetermines the assessment. DOR's decision on appeal may be appealed to the tax appeals commission.

The bill authorizes the tax appeals commission to submit a case to summary proceedings (an alternative dispute resolution proceeding) if the amount in controversy is less than \$100,000. The bill also increases the penalty for pursuing a frivolous appeal to \$5,000 and provides that the commission may hold hearings only in the following places: Appleton, Eau Claire, LaCrosse, Madison, Milwaukee and Wausau.

Under current law, if a person does not pay the tax that is due on a parcel of real property before September 1, the county treasurer must issue a tax certificate to the county that relates to that property. The issuance of a tax certificate begins the redemption period during which the taxpayer may retain his or her property by paying the delinquent taxes. If the property is not redeemed during the redemption period, which is usually two years, the county may acquire the property by taking a tax deed or by other methods.

Under this bill, if a county does not, within two years after the expiration of the redemption period, take a tax deed for property that is subject to a tax certificate and that is contaminated by a hazardous substance, the county must, upon receiving a written request from the city, village or town within whose jurisdiction the property is located, acquire the property by taking a tax deed. The county may then either retain ownership of the property or transfer ownership of the property, without consideration, to the municipality.

Under current law, a taxation district transfers its tax roll to the county or counties in which the taxation district is located. The county accepts all delinquent property taxes from the taxation district and credits the taxation district for delinquent taxes in the next tax levy. The county attempts to collect the delinquent

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property taxes by issuing a tax certificate. After the county issues a tax certificate, an owner of real property has two years to redeem the certificate by paying the delinquent taxes. If the taxes remain unpaid after two years, the county may record a tax deed on the property. However, a county may cancel the delinquent taxes if the property is contaminated by a hazardous substance and the property owner agrees to clean up, maintain and monitor the property. The taxation district that transferred the relevant tax roll receives a credit on its tax levy from the county even though the county has canceled the tax.

This bill requires a county that cancels delinquent taxes to charge back to the appropriate taxation district any or all of the amount of the canceled taxes and to include that amount in the county's next tax levy against the taxation district.

OTHER TAXATION

Under current law, computers are exempt from the general property tax paid by businesses. Also under current law, computers owned by telephone companies, which are ad valorem taxpayers, are exempt from the ad valorem tax. An ad valorem tax is a tax imposed on property or on an article of commerce in proportion to its value.

This bill exempts from ad valorem taxation computers owned by other ad valorem taxpayers, such as railroads, airlines, pipeline companies, conservation and regulation companies and municipal electric association projects.

The bill also creates a personal property tax exemption for fax machines, copiers, cash registers and automated teller machines.

Under current law, the sale of time-share property is subject to the real estate transfer fee. This bill exempts from real estate transfer fees conveyances of those time-share properties that give the owner the right to use or occupy the real property during at least four separate periods over at least four years. Under current law, some, but not all, conveyances that are exempt from the real estate transfer fee are also exempt from the requirement of filing a real estate transfer return. This bill exempts from the requirement of filing a real estate transfer return these conveyances of time-share property.

The furnishing of rooms or lodging through the sale of time-share properties that are exempted from the real estate transfer fee by this bill is currently subject to the sales tax only if the use of the rooms or lodging is not fixed at the time of sale as to the starting date or the lodging unit and is for less than one month. This bill subjects to the sales tax all sales of time-share properties that are for less than one month, whether or not they are exempted from the real estate transfer fee by this bill, and whether or not the use of the rooms or lodging is fixed at the time of the sale.

The bill also subjects to the sales tax those charges associated with time-share property that at the time of the charges would be subject to the sales tax.

Under current law, a county may adopt an ordinance to impose sales and use taxes upon county retailers. DOR collects the sales and use taxes imposed by counties. The state retains 1.5% of the sales and use taxes collected to cover the costs

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incurred by the state to administer, enforce and collect the taxes. DOR distributes the remaining taxes collected to the respective counties. This bill increases from 1.5% to 1.75% the amount of taxes collected that are retained by the state.

This bill changes the tobacco products tax from an occupational tax to an excise tax. The change allows the state to tax certain sales of tobacco products sold on reservations by American Indians to persons who are not American Indians.

This bill permits DOR to enter into agreements with American Indian tribes to provide for the refunding of the tobacco products tax imposed on tobacco products sold on reservations to enrolled members of the tribe residing on the tribal reservation. In addition, DOR is required to refund 50% of the taxes collected with respect to sales on reservations or trust lands of an American Indian tribe to the tribal council of the tribe having jurisdiction over the reservation or trust land on which the sale is made. These two provisions parallel existing authority of DOR in regard to cigarette taxes.

The bill also reduces from 70% to 50% the percentage of cigarette tax revenue collected in sales on reservations or trust lands that must be refunded to American Indian tribes.

Under current law, any taxpayer may petition DOR to compromise delinquent income or franchise taxes, including any applicable costs, penalties and interest. Under this bill, DOR is authorized to compromise any taxes, interest, penalties and costs that are due this state and that have not yet been recorded as delinquent.

This bill changes the rate of the gross earnings tax that is levied on a car line company and the amount that a railroad company must withhold from rental payments made to a car line company. A car line company is any person, other than a railroad, engaged in the business of leasing or furnishing car line equipment to a railroad and car line equipment is any railroad car or other equipment used in railroad transportation under a rental agreement.

Under current law, delinquent sales and use tax returns are subject to a \$10 late filing fee unless the return was not timely filed because of the death of the person required to file or because of reasonable cause, but not because of neglect. This bill changes the late filing fee to \$30 for returns that are filed for periods beginning after September 30, 1999.

This bill removes the requirement that the recertification application for assessors and assessment personnel be notarized and that it be submitted at least 60 days before the expiration date of the current certificate. Under the bill, DOR may, for good cause, accept an application for renewal up to one year after the expiration of the current certificate if the applicant has complied with the current continuing education and other recertification requirements.

SENATE BILL 45**TRANSPORTATION****HIGHWAYS**

Current law requires that any major highway project, unlike other construction projects undertaken by the department of transportation (DOT), receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes five miles or more in length to the highway; or improvement of an existing multilane divided highway to freeway standards. There are currently 75 enumerated major highway projects approved for construction. This bill adds one major highway project to the list of 75 enumerated projects already approved for construction.

Under current law, the building commission may issue revenue bonds in a principal amount of \$1,348,058,900, of which \$1,255,499,900 may be used for major highway projects and other transportation facilities and \$92,559,000 may be used for fees and other expenses related to the revenue obligations.

This bill increases the level of revenue bonding for major highway projects and transportation administrative facilities by 14.3% to \$1,435,165,900. The bill also authorizes the building commission to contract revenue obligations in any amount to pay fees and other expenses related to the revenue obligations.

This bill authorizes DOT to designate highways that have outstanding intrinsic value as scenic byways. The bill allows DOT to apply for federal designation of a scenic byway as a national scenic byway. Federal designation would make the scenic byway eligible for federal aid for scenic byways.

Under current law, outdoor advertising signs that are located along interstates and certain other highways and that advertise activities conducted on the property on which the signs are located (on-property signs) are subject to restrictions as to size, number and location. This bill prohibits the erection of on-property signs at locations that constitute traffic hazards and eliminates specific restrictions that apply solely to on-property signs located outside the incorporated area of a city or village. The bill specifies that on-property signs do not require permits issued by DOT.

DRIVERS AND MOTOR VEHICLES

Current law authorizes circuit courts and municipal courts to suspend or revoke a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice. Suspensions and revocations for failure to pay generally continue until the person pays the amount owed. The suspension and revocation orders are forwarded

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to DOT, which updates the person's driving record to reflect the suspension or revocation.

This bill requires DOT to develop a process, by rule, to charge courts a processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a forfeiture that was imposed for violating an ordinance unrelated to the violator's operation of a motor vehicle. The bill also allows courts to charge the violator a fee in an amount not more than the fee DOT charges the court for processing the order.

Current law requires DOT to redesign motor vehicle registration plates that are issued to certain specified vehicles, primarily automobiles and light-duty trucks, or that identify the registrant as a member of an authorized special group (such as U.S. military or veteran, physically disabled, University of Wisconsin campus or natural resources). DOT must begin issuing the newly designed plates beginning with registrations effective July 1, 2000, and must issue newly designed plates for every specified vehicle registered in this state by July 1, 2003. Vehicle registrants must pay \$10 or \$15, depending on the type of plate, for the newly designed plates.

This bill allows DOT until July 1, 2005, to complete the issuance of the newly designed plates. The bill also requires DOT to redesign these registration plates every six years, and to issue plates of the new design to replace plates that are six or more years old.

Under current law, if a person arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in his or her blood or breath, the law enforcement officer who requested the test takes possession of the person's license, prepares a notice of intent to revoke the person's operating privilege and gives a copy of the notice to the person, to the circuit court and to the district attorney. The notice informs the person of a number of items, including the right to request a court hearing to contest the revocation. The Wisconsin court of appeals, in *State v. Schoepp*, 204 Wis. 2d 266 (1996), held that a person who receives a notice of intent to revoke the person's operating privilege may utilize the full range of discovery procedures under state law, including the use of depositions and interrogatories.

This bill prohibits either party's use of discovery in these cases, except that if a hearing is requested, the person who refused to take the test has the right to receive a copy of any written or voice recorded statement of a witness before that witness testifies.

Currently, 31.29% of all moneys received by the state as driver improvement surcharges from persons convicted of OWI is used to pay for chemical testing and services provided by the state traffic patrol. The secretary of administration transfers the remaining driver improvement surcharge moneys to programs or purposes related to OWI, such as for the purchase of breath screening devices. Under this bill, the separate 31.29% payment is eliminated and the chemical testing and

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services program is eligible for a funding transfer approved by the secretary of administration as are the other OWI-related programs.

Under current law, DOT may contract with third-party testers to conduct on-the-road tests for commercial motor vehicle drivers, abbreviated on-the-road tests for school bus drivers and special examinations for school bus drivers. This bill permits DOT to contract with third-party testers to conduct on-the-road tests for noncommercial motor vehicle drivers, except on-the-road tests for authorization to operate certain motorcycles.

This bill raises the fee for a driving skills test in a school bus or in a noncommercial motor vehicle from \$10 to \$15.

Current law requires DOT to issue a distinctive license document to any person who is under the legal drinking age when the license is issued. Under this bill, beginning on January 1, 2000, DOT must also issue a distinctive license document to any person who is under 18 years of age when the license is issued.

Under current law, no person may operate a school bus unless the person possesses an endorsement to operate school buses. A school bus endorsement is valid for the eight-year duration of the person's operator's license. This bill requires each school bus operator to pass an examination of his or her ability to safely operate a school bus at least once every 4 years.

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is revoked or suspended (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if DOT's computer system can accommodate the necessary changes.

This bill delays the effective date of 1997 Wisconsin Act 84 until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of that act's changes simultaneously, but may establish different effective dates for those changes. The bill makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed.

Currently, DOT is required to revoke the operating privilege of a person determined to be a habitual traffic offender. The revocation commences on the day on which DOT mails the person notice of the revocation or, if the person is already suspended or revoked, on the day on which the person is convicted and first considered a habitual traffic offender, or on the date on which the person surrendered his or her operator's license to begin the current revocation or suspension period.

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This bill makes all revocations by DOT for habitual traffic offenders begin on the date DOT mails notice of the revocation.

Under current law, a highway authority may impose special weight limitations on highways that would likely be seriously damaged or destroyed if such limitations were not imposed. The weight limits are effective only if weight limit notice signs are properly posted. This bill requires the posting of advance weight limit notice signs, in addition to the weight limit notice signs, to allow motorists to avoid the weight-limited highway altogether.

Current law prohibits any person from driving upon a highway any motor vehicle that exceeds the maximum permissible gross vehicle weight or the maximum permissible weight per axle. Current law allows additional weight, beyond the weight limits ordinarily applicable, for certain trucks transporting exclusively milk from the point of production to the primary market and returning with dairy supplies and dairy products from such primary market to the farm. Only milk trucks having axle measurements of nine feet, one inch or greater qualify for the additional 2,000 pound axle weight. This bill extends the 2,000 pound weight limit to milk trucks having an actual axle distance of eight feet, six inches or more.

Under current law, DOT utilizes a telephone call-in procedure through which applicants may obtain certain single trip permits to operate vehicles that exceed the statutory size or weight limits. This bill requires DOT to implement a telephone call-in procedure through which applicants may obtain single trip, annual, consecutive month and multiple trip permits to operate vehicles that exceed the statutory size or weight limits, together with the designated route of travel. The bill also raises fees for certain single trip, annual, consecutive month and multiple trip permits issued by DOT by 10% beginning on January 1, 2000, and ending on June 30, 2003, after which time the fees revert to their current amounts.

This bill increases the fee for late payment of fees for registering a motor truck through DOT's automated telephone registration system from \$5 to \$10.

This bill eliminates the \$5 fee charged to financial institutions for processing electronic applications for motor vehicle title and registration.

Under current law, a claimant must serve legal process upon the secretary of transportation to commence a legal action against a nonresident driver for damages arising from a motor vehicle accident in this state. The secretary of transportation collects a \$15 fee from the claimant for each defendant in the action and forwards the legal process to the nonresident driver. This bill increases this service-of-process fee to \$25.

SENATE BILL 45**TRANSPORTATION AIDS**

Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. DOT makes state aid payments in amounts sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals the uniform percentage established by DOT for the class of mass transit system. The percentage varies for each of the three classes of mass transit systems but is uniform for all mass transit systems within a class. The three classes are: 1) mass transit systems serving urban areas having a population of less than 50,000; 2) mass transit systems serving urban areas having a population of more than 50,000 but having annual operating expenses of less than \$20,000,000; and 3) mass transit systems having annual operating expenses of more than \$20,000,000.

This bill modifies the classes of mass transit systems and revises the amount of state aids payable to local public bodies served by those systems. The bill creates two classes of mass transit systems: 1) those having operating expenses of more than \$20,000,000 (Tier A); and 2) those having operating expenses of \$20,000,000 or less (Tier B). Under the bill, the sum of state and federal aid provided to a local public body served by a Tier A mass transit system may not exceed 50% of the mass transit system's projected operating expenses. The sum of state and federal aid provided to a local public body served by a Tier B mass transit system may not exceed 65% of the mass transit system's projected operating expenses, except that the sum of aids provided to local public bodies served by certain Tier B mass transit systems may not exceed 60% for calendar years 2000 and 2001.

Current law requires a local public body that receives state aid under the urban mass transit operating assistance program to pay a local contribution towards the mass transit system's operating expenses in an amount equal to at least 20% of the amount of state aid received under the program. This local contribution does not apply to local public bodies served exclusively by a shared-ride taxicab system. This bill requires all recipients to pay at least 10% of the operating expenses, regardless of the amount of state aid received under the program, except that recipients served exclusively by a shared-ride taxicab system must pay at least 5% of the system's operating expenses.

Under current law, DOT makes general transportation aids payments to a county based on a share-of-costs formula, and to a municipality (city, village or town) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile (\$1,596 for 1998 and thereafter).

Beginning with general transportation aids payable for the year 2000, this bill increases the aid rate to \$1,644 per mile and increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities. The bill also allows a portion of law enforcement costs to be considered in the share-of-costs formula, instead of as highway-related traffic

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police costs. The bill allows DOT to establish different portions for different classes of counties or municipalities.

This bill provides that aid amounts payable to any single municipality or county under the general transportation aids program may not be reduced by more than 2% annually.

This bill requires each municipality to assess biennially the condition of roads under its jurisdiction and to report the results to DOT.

This bill provides that the amount of aid that DOT may award under the elderly and disabled transportation capital assistance program, which provides aid for specialized vehicles and facilities used to provide transportation services to elderly and disabled persons, may not exceed the percentage of estimated costs specified by DOT or the percentage of costs that are eligible for federal aid, whichever is less.

Under current law, DOT may contract up to \$19,000,000 in public debt for the acquisition and improvement of rail property. This bill increases this authorized general obligation bonding limit from \$19,000,000 to \$23,500,000.

RAIL AND AID TRANSPORTATION

Under current law, DOT, local governmental bodies, local residents and railroad companies may petition the office of the commissioner of railroads (OCR) for a determination of whether a railroad crossing over a public highway protects and promotes public safety. OCR may order the railroad to install automatic warning signals or other suitable safety device at the railroad crossing.

This bill creates a railroad grade crossings committee to review every railroad grade crossing in this state to recommend crossings for improvements. The bill generally prohibits DOT from paying for improvements to railroad grade crossings ordered by OCR unless the committee first recommended improvements to the crossing.

Currently, under the freight railroad assistance program, DOT makes loans to cities, villages, towns and counties for acquiring freight railroad facilities, rehabilitating or constructing rail property improvements or improving freight railroad infrastructure. The loans are made at the legal rate of interest of 5%, unless DOT and the borrower agree to a different rate. This bill requires DOT to specify by rule a rate of interest applicable to such loans.

OTHER TRANSPORTATION

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from \$15,000,000 to \$18,000,000.

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement, require frequent exposure to a high

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degree of peril and require a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies members of the state patrol as protective occupation participants. Under WRS, the normal retirement age of a protective occupation participant is lower, and the percentage multiplier used to calculate retirement annuities is higher, than for other participants.

This bill specifically classifies the administrator of the division of state patrol as a protective occupation participant for the purposes of WRS, if the division administrator is certified as qualified to be employed as a law enforcement officer in this state. The bill also makes the administrator a member of the state traffic patrol (having the same powers and duties of other members) if the administrator is certified as a law enforcement officer in this state. As a member of the state traffic patrol, the administrator is entitled to receive full pay and other benefits during any period in which the administrator is unable to work because of an injury sustained while performing certain duties that entail a considerable risk of injury or danger.

Under current law, the state traffic patrol consists of not more than 385 traffic officers in the classified service. This bill increases the authorized number of state patrol officers from 385 to 400.

Under current law, the operator of an authorized emergency vehicle (such as a police and fire vehicle or an ambulance) is exempt from certain traffic regulations when responding to an emergency call or when in pursuit of a suspected violator of the law. This exemption applies only when the operator is driving with due regard under the circumstances for the safety of all persons and, in most circumstances, is giving visible and audible signals.

This bill makes snowmobiles operated on state lands by DNR's law enforcement employes and all-terrain vehicles and snowmobiles operated by conservation wardens, on or off state lands, authorized emergency vehicles.

This bill requires DOT to award a grant of \$1,000,000 to the city of Superior for the construction of the Major Richard I. Bong Air Museum.

VETERANS AND MILITARY AFFAIRS

Under current law, in response to a war, insurrection, rebellion, riot or invasion, in the event of a public disaster resulting from a flood, conflagration or tornado, or upon application of certain public officials, the governor may order into active service all or any portion of the national guard. This bill allows the governor to order all or any portion of the national guard into active service when the governor considers that activation necessary for the protection of persons or property.

Under current law, to be eligible for veterans benefits, a veteran must meet certain criteria, including residency in this state and service on active duty under honorable conditions in the U.S. armed forces. The veteran may be eligible for benefits if he or she meets certain types of service requirements, such as service in

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a war period or in specified conflicts or receipt of a specified service medal, or if he or she served on active duty for two consecutive years or the full period of his or her initial service obligation.

Under this bill, a veteran may also be eligible for benefits if he or she was a resident of this state for any consecutive five-year period after entry, reentry, enlistment or induction into service in the U.S. armed forces and before the date of his or her application for benefits or, if applicable, before the date of his or her death.

Currently, the department of veterans affairs (DVA) administers a mortgage loan program for veterans. Under the program, eligible veterans may obtain a mortgage loan for the purchase of a house or mobile home, construction of a home, home improvements, including construction of a garage, and certain refinancing related to a home purchase or construction. Under current law, the maximum loan amount for home improvements, including construction of a garage, is \$15,000. This bill changes that maximum loan amount to \$25,000.

Currently, DVA reimburses eligible nondisabled veterans for 50% of the tuition and fees incurred by the veteran while attending a postsecondary school as an undergraduate. This bill raises the reimbursement rate to 65% of the tuition and fees incurred by a nondisabled veteran.

Under current law, reimbursement is available under this program only for classes in an institution in the University of Wisconsin (UW) System or at a technical college or for classes attended by a veteran receiving a waiver of nonresident tuition under the Minnesota-Wisconsin student reciprocity agreement. Reimbursement is limited to tuition and fees paid for 120 part-time or full-time credits at an institution in the UW System, or for 60 part-time or full-time credits at a technical college, or an equivalent amount of credits at the institution at which the veteran is receiving a waiver of nonresident tuition. This bill allows the veteran to attend any institution of higher education, including technical colleges, but requires the veteran to enroll for at least 12 credits during the semester for which reimbursement is requested.

Under current law, an eligible veteran who is a resident of this state and who completes a correspondence course or a course as a part-time student from an institution of higher education may apply for reimbursement from DVA for a portion of the costs of the course if the course is related to the veteran's occupational, professional or employment objectives. Under current law, the maximum reimbursement that may be paid is 50% of the tuition and fees paid for the course. This bill increases the maximum reimbursement percentage from 50% to 65%.

Currently, DVA may borrow money from the veterans mortgage loan repayment fund and enter into transactions with the state investment board to obtain money to make loans to veterans under the veterans personal loan program. If DVA borrows money from the veterans mortgage loan repayment fund, DVA must pledge the loans made under the veterans personal loan program as collateral for that borrowed money.

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Under this bill, DVA may borrow money from the veterans mortgage loan repayment fund to obtain money for the veterans personal loan program, but is not required to pledge the loans made under the personal loan program as collateral for the borrowed money. The bill provides that transactions with the state investment board may include the sale of veterans' loans.

This bill uses moneys received under the Indian gaming compacts to fund an American Indian services coordinator as a project position in DVA. The bill also uses moneys received under the Indian gaming compacts to award grants to the governing bodies of federally recognized American Indian tribes and bands for the creation of a model program that helps American Indians overcome barriers to the receipt of federal and state veterans benefits.

Under current law, the state may contract public debt for the purpose of making loans to veterans for the purchase or construction of housing, for home improvements and for refinancing any existing mortgage for the purchase or construction of a home or for home improvements. Currently, the state is authorized to contract public debt in an amount not to exceed \$1,807,500,000. This bill increases this amount to \$1,918,000,000.

Under current law, DVA operates the Wisconsin Veterans Museum in Madison. The museum contains the battle flags of Wisconsin armed forces units that served in the nation's wars and other relics and mementos of those wars. This bill provides that the mission of the Wisconsin Veterans Museum is to acknowledge, commemorate and affirm the role of Wisconsin veterans in the United States of America's military past by means of instructive exhibits and other educational programs.

Under current law, only a county with a population of 100,000 or more, a bank or trust company and the commandant of the Wisconsin Veterans Home at King may be a guardian of five or more unrelated wards at one time. The commandant may act as a guardian only of members of the Wisconsin Veterans Home at King and is not allowed to charge a fee for that service. This bill eliminates the commandant of the Wisconsin Veterans Home at King from among those who may act as guardian of five or more unrelated wards at one time.

Currently, the national guard, in the department of military affairs, operates the Badger Challenge program, which provides programs for high school aged disadvantaged youth to help them remain in and complete high school. This bill allows only youths who are members of families eligible to receive aid from the federal temporary assistance for needy families program to attend the Badger Challenge program. The bill removes state general purpose funding from the program and allows federal temporary assistance for needy families block grant

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moneys received by the department of workforce development to be used to fund the operation of the Badger Challenge program.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

Because this bill concerns a conveyance of a lake bed area, the department of natural resources, as required by law, will prepare a detailed report to be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.123 (3) (a) of the statutes is amended to read:

2 13.123 (3) (a) Any senator authorized by the committee on senate organization
3 to attend a meeting outside the state capital, any representative to the assembly
4 authorized by the committee on assembly organization to attend an out-of-state
5 meeting or authorized by the speaker to attend a meeting within this state outside
6 the state capital, and all members of the legislature required by law, legislative rule,
7 resolution or joint resolution to attend such meetings, shall be paid no additional
8 compensation for such services but shall be reimbursed for actual and necessary
9 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may
10 be reimbursed under this subsection for expenses on any day for which the legislator
11 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~
12 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~

13 **SECTION 2.** 13.45 (3) (a) of the statutes is amended to read:

14 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
15 13.123 (1), any legislator appointed to serve on a legislative committee or a
16 committee to which the legislator was appointed by either house or the officers
17 thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (q) and s.~~

SENATE BILL 45**SECTION 2**

1 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the
2 committee.

3 **SECTION 3.** 13.48 (16) of the statutes is amended to read:

4 13.48 (16) MADISON DOWNTOWN STATE OFFICE FACILITIES. ~~The~~ Except as provided
5 in s. 32.02 (16) the eminent domain authority of the building commission under ch.
6 32 is limited to the acquisition of such parcels of land as it deems necessary for a site
7 for Madison downtown state office facilities, whenever the building commission is
8 unable to agree with the owner upon the compensation therefor, or whenever the
9 absence or legal incapacity of such owner, or other cause prevents or unreasonably
10 delays such agreement.

11 **SECTION 4.** 13.94 (1) (b) of the statutes is amended to read:

12 13.94 (1) (b) Audit the records of every state department, board, commission,
13 independent agency or authority and the corporation described under s. 39.81 at
14 least once each 5 years and audit the records of other departments as defined in sub.
15 (4) when the state auditor deems it advisable or when he or she is so directed and,
16 in conjunction therewith, reconcile the records of the department audited with those
17 of the department of administration. Audits of the records of a county, city, village,
18 town or school district may be performed only as provided in par. (m). Within 30 days
19 after completion of any such audit, the bureau shall file with the chief clerk of each
20 house of the legislature, the governor, the department of administration, the
21 legislative reference bureau, the joint committee on finance, the legislative fiscal
22 bureau and the department audited, a detailed report thereof, including its
23 recommendations for improvement and efficiency and including specific instances,
24 if any, of illegal or improper expenditures. The chief clerks shall distribute the report

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1 to the joint legislative audit committee, the appropriate standing committees of the
2 legislature and the joint committee on legislative organization.

3 **SECTION 5.** 13.94 (4) (a) 1. of the statutes is amended to read:

4 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
5 credentialing board, commission, independent agency, council or office in the
6 executive branch of state government; all bodies created by the legislature in the
7 legislative or judicial branch of state government; any public body corporate and
8 politic created by the legislature including specifically a professional baseball park
9 district and a family care district under s. 46.2895; every Wisconsin works agency
10 under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch.
11 49; technical college district boards; development zones designated under s. 560.71;
12 every county department under s. 51.42 or 51.437; every nonprofit corporation or
13 cooperative to which moneys are specifically appropriated by state law; and every
14 corporation, institution, association or other organization which receives more than
15 50% of its annual budget from appropriations made by state law, including
16 subgrantee or subcontractor recipients of such funds.

17 **SECTION 6.** 13.94 (4) (b) of the statutes is amended to read:

18 13.94 (4) (b) In performing audits of family care districts under s. 46.2895,
19 Wisconsin works agencies under subch. III of ch. 49, providers of medical assistance
20 under subch. IV of ch. 49, corporations, institutions, associations, or other
21 organizations, and their subgrantees or subcontractors, the legislative audit bureau
22 shall audit only the records and operations of such providers and organizations
23 which pertain to the receipt, disbursement or other handling of appropriations made
24 by state law.

25 **SECTION 7.** 13.96 (3) of the statutes is created to read:

SENATE BILL 45**SECTION 7**

1 13.96 (3) **POWERS OF THE DIRECTOR.** The director of the legislative technology
2 services bureau may, by lease agreement, purchase and install computer networking
3 equipment to serve facilities of state agencies, as defined in s. 20.001 (1), that are
4 located in the same building in which a legislative branch office is located or in an
5 adjacent building, and may provide related maintenance and support services to
6 such agencies.

7 **SECTION 8.** 14.06 of the statutes is created to read:

8 **14.06 Gifts, grants and bequests.** The governor may accept gifts, grants and
9 bequests, and may expend the proceeds to carry out the purposes for which received.

10 **SECTION 9.** 14.11 (2) (a) 1. to 3. of the statutes are amended to read:

11 14.11 (2) (a) 1. To assist the attorney general in any action or proceeding;

12 2. To act instead of the attorney general in any action or proceeding, if the
13 attorney general is in any way interested adversely to the state;

14 3. To defend any action instituted by the attorney general against any officer
15 of the state;

16 **SECTION 10.** 14.11 (2) (a) 5. of the statutes is created to read:

17 14.11 (2) (a) 5. Upon request of the ethics board, to assist the board in
18 investigating or prosecuting an alleged violation of subch. III of ch. 13 or subch. III
19 of ch. 19.

20 **SECTION 11.** 14.18 of the statutes is created to read:

21 **14.18 Assistance from state agencies. (1)** In this section “state agency” has
22 the meaning given under s. 20.001 (1).

23 **(2)** The governor may enter into a cooperative arrangement with any state
24 agency under which the agency provides assistance to the governor in carrying out
25 his or her responsibilities.

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1 **SECTION 12.** 14.82 of the statutes is repealed.

2 **SECTION 13.** 15.03 of the statutes is amended to read:

3 **15.03 Attachment for limited purposes.** Any division, office, commission,
4 council or board attached under this section to a department or independent agency
5 or a specified division thereof shall be a distinct unit of that department, independent
6 agency or specified division. Any division, office, commission, council or board so
7 attached shall exercise its powers, duties and functions prescribed by law, including
8 rule making, licensing and regulation, and operational planning within the area of
9 program responsibility of the division, office, commission, council or board,
10 independently of the head of the department or independent agency, but budgeting,
11 program coordination and related management functions shall be performed under
12 the direction and supervision of the head of the department or independent agency,
13 except that with respect to the office of the commissioner of railroads, all personnel
14 and biennial budget requests by the office of the commissioner of railroads shall be
15 processed and properly forwarded by the public service commission without change
16 except as requested and concurred in by the office of the commissioner of railroads
17 by the department of transportation.

18 **SECTION 14.** 15.07 (1) (a) 5. of the statutes is amended to read:

19 15.07 (1) (a) 5. The members of the educational communications board
20 appointed under s. 15.57 ~~(5) and (7)~~ (1) (e) and (g) shall be appointed as provided in
21 that section.

22 **SECTION 15.** 15.07 (2) (k) of the statutes is created to read:

23 15.07 (2) (k) The governor shall serve as chairperson of the governor's
24 work-based learning board.

25 **SECTION 16.** 15.07 (2) (L) of the statutes is created to read:

SENATE BILL 45**SECTION 16**

1 15.07 (2) (L) The chairperson of the glass ceiling board shall be designated
2 annually by the governor.

3 **SECTION 17.** 15.07 (5) (i) of the statutes is repealed.

4 **SECTION 18.** 15.105 (1) of the statutes is amended to read:

5 15.105 (1) TAX APPEALS COMMISSION. There is created a tax appeals commission
6 which is attached to the department of administration under s. 15.03. Members shall
7 be appointed solely on the basis of fitness to perform the duties of their office, and
8 shall be experienced in tax matters. The commission shall meet at the call of the
9 chairperson or at the call of a majority of its members. The chairperson shall not
10 serve on or under any committee of a political party. The commission shall include
11 but not be limited to a ~~small-claims~~ summary proceedings division.

12 **SECTION 19.** 15.105 (10) of the statutes is amended to read:

13 15.105 (10) BOARD ON AGING AND LONG-TERM CARE. There is created a board on
14 aging and long-term care, attached to the department of administration under s.
15 15.03. The board shall consist of ~~7~~ 9 members appointed for staggered ~~5~~-year terms.
16 Members shall have demonstrated a continuing interest in the problems of providing
17 long-term care for the aged or disabled. ~~At least 4~~ All members shall be public
18 members with no interest in or affiliation with any nursing home. At least 5
19 members shall be persons aged 65 or older or persons with physical or developmental
20 disabilities or their family members, guardians or other advocates.

21 **SECTION 20.** 15.105 (24) (title) of the statutes is renumbered 15.195 (3) (title).

22 **SECTION 21.** 15.105 (24) (a) of the statutes is renumbered 15.195 (3) (a) and
23 amended to read:

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1 15.195 (3) (a) *Creation.* There is created a national and community service
2 board which is attached to the department of ~~administration~~ health and family
3 services under s. 15.03.

4 **SECTION 22.** 15.105 (24) (b) and (c) (intro.) and 1. to 4. of the statutes are
5 renumbered 15.195 (3) (b) and (c) (intro.) and 1. to 4.

6 **SECTION 23.** 15.105 (24) (c) 4m. of the statutes is renumbered 15.195 (3) (c) 4m.
7 and amended to read:

8 15.195 (3) (c) 4m. The secretary of ~~administration~~ health and family services
9 or his or her designee.

10 **SECTION 24.** 15.105 (24) (c) 5. to 10., (d) and (e) of the statutes are renumbered
11 15.195 (3) (c) 5. to 10., (d) and (e).

12 **SECTION 25.** 15.105 (25) (intro.) of the statutes is amended to read:

13 15.105 (25) TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD.
14 (intro.) There is created a technology for educational achievement in Wisconsin
15 board which is attached to the department of administration under s. 15.03. The
16 board shall consist of the state superintendent of public instruction or his or her
17 designee, the secretary of administration or his or her designee and the following
18 members appointed for 4-year terms:

19 **SECTION 26.** 15.105 (25) (bm) of the statutes is amended to read:

20 15.105 (25) (bm) A member of the educational communications board. If the
21 secretary of administration determines that the federal communications
22 commission has approved the transfer of all broadcasting licenses held by the
23 educational communications board and the board of regents of the University of
24 Wisconsin System to the corporation described under s. 39.81, this paragraph does

SENATE BILL 45**SECTION 26**

1 not apply on and after the effective date of the last license transferred [revisor
2 inserts date].

3 **SECTION 27.** 15.105 (25) (c) of the statutes is amended to read:

4 15.105 (25) (c) Four or, if the secretary of administration determines that the
5 federal communications commission has approved the transfer of all broadcasting
6 licenses held by the educational communications board and the board of regents of
7 the University of Wisconsin System to the corporation described under s. 39.81, on
8 and after the effective date of the last license transferred [revisor inserts date],
9 5 other members.

10 **SECTION 28.** 15.105 (26) of the statutes is created to read:

11 15.105 (26) GLASS CEILING BOARD. There is created a glass ceiling board which
12 is attached to the department of administration under s. 15.03. The board shall
13 consist of the following members:

14 (a) Two senators and 2 representatives to the assembly, chosen in the same
15 manner that members of standing committees are chosen.

16 (b) Twenty-one other members appointed to serve for 3-year terms, selected in
17 part from persons holding positions in the private sector and in part from persons
18 holding positions in the public sector.

19 **SECTION 29.** 15.107 (16) (b) 13. of the statutes is amended to read:

20 15.107 (16) (b) 13. ~~Four~~ Five members of the public.

21 **SECTION 30.** 15.183 (2) of the statutes is amended to read:

22 15.183 (2) ~~DIVISION OF SAVINGS AND LOAN~~ INSTITUTIONS. There is created a
23 division of savings and loan institutions. Prior to July 1, 2000, the division is
24 attached to the department of financial institutions under s. 15.03. After June 30,
25 2000, the division is created in the department of financial institutions. The

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1 administrator of the division shall be appointed outside the classified service by the
2 secretary of financial institutions and shall serve at the pleasure of the secretary.

3 **SECTION 31.** 15.197 (5) of the statutes is created to read:

4 15.197 (5) COUNCIL ON LONG-TERM CARE. There is created in the department of
5 health and family services a council on long-term care, which shall consist of 15
6 members. The governor shall designate the chairperson of the council on long-term
7 care.

8 **SECTION 32.** 15.197 (5) of the statutes, as created by 1999 Wisconsin Act (this
9 act), is repealed.

10 **SECTION 33.** 15.197 (12) of the statutes is created to read:

11 15.197 (12) COUNCIL ON BIRTH DEFECT PREVENTION AND SURVEILLANCE. There is
12 created in the department of health and family services a council on birth defect
13 prevention and surveillance. The council shall consist of the following members:

14 (a) A representative of the University of Wisconsin Medical School who has
15 technical expertise in birth defects epidemiology.

16 (b) A representative from the Medical College of Wisconsin who has technical
17 expertise in birth defects epidemiology.

18 (c) A representative from the subunit of the department that is primarily
19 responsible for the administration of public health health programs.

20 (d) A representative from the subunit of the department that is primarily
21 responsible for the administration of the medical assistance program.

22 (e) A representative from the subunit of the department that is primarily
23 responsible for health care information.

24 (f) A representative of the State Medical Society of Wisconsin.

SENATE BILL 45**SECTION 33**

1 (g) A representative of the American Academy of Pediatrics -- Wisconsin
2 Chapter.

3 (h) A representative of a nonprofit organization that has as its primary purpose
4 the prevention of birth defects.

5 (j) A parent or guardian of a child with a birth defect.

6 **SECTION 34.** 15.197 (25) (c) of the statutes is amended to read:

7 15.197 (25) (c) This subsection does not apply beginning on July 1, ~~2001~~ 2002.

8 **SECTION 35.** 15.223 (2) of the statutes is repealed.

9 **SECTION 36.** 15.223 (3) of the statutes is created to read:

10 15.223 (3) DIVISION OF WORKFORCE EXCELLENCE. There is created in the
11 department of workforce development a division of workforce excellence.

12 **SECTION 37.** 15.225 (3) of the statutes is created to read:

13 15.225 (3) GOVERNOR'S WORK-BASED LEARNING BOARD. (a) There is created a
14 governor's work-based learning board which is attached to the department of
15 workforce development under s. 15.03.

16 (b) The governor's work-based learning board shall consist of the following
17 members:

18 1. The governor.

19 2. The state superintendent of public instruction.

20 3. The president of the technical college system board.

21 4. The director of the technical college system board.

22 5. The secretary of workforce development.

23 6. The administrator of the division of workforce excellence in the department
24 of workforce development.

25 7. One member who is a representative of organized labor.

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1 8. One member who is a representative business and industry.

2 9. One member, who is not a public officer and who does not possess the
3 qualifications of the members under subds. 7. and 8., to represent the interests of the
4 public.

5 (c) The members of the board appointed under par. (b) 7., 8. and 9. shall be
6 appointed by the governor to serve at the pleasure of the governor.

7 **SECTION 38.** 15.57 of the statutes is renumbered 15.57 (1).

8 **SECTION 39.** 15.57 (2) of the statutes is created to read:

9 15.57 (2) If the secretary of administration determines that the federal
10 communications commission has approved the transfer of all broadcasting licenses
11 held by the educational communications board and the board of regents of the
12 University of Wisconsin System to the corporation described under s. 39.81, this
13 section does not apply on and after the effective date of the last license transferred
14 [revisor inserts date].

15 **SECTION 40.** 15.675 of the statutes is renumbered 15.677 and amended to read:

16 **15.677 Same; attached board council.** (1) ~~EDUCATIONAL APPROVAL BOARD~~
17 COUNCIL. There is created an educational approval board council which is attached
18 to the higher educational aids board under s. 15.03. The board council shall consist
19 of not more than 7 members, who shall be representatives of state agencies and other
20 persons with a demonstrated interest in educational programs, appointed to serve
21 at the pleasure of the governor.

22 **SECTION 41.** 16.009 (2) (p) of the statutes is created to read:

23 16.009 (2) (p) Contract with one or more organizations to provide advocacy
24 services to potential or actual recipients of the family care benefit, as defined in s.
25 46.2805 (4), or their families or guardians. The board and contract organizations

SENATE BILL 45**SECTION 41**

1 under this paragraph shall assist these persons in protecting their rights under all
2 applicable federal statutes and regulations and state statutes and rules. An
3 organization with which the board contracts for these services may not be a provider,
4 nor an affiliate of a provider, of long-term care services, a resource center under s.
5 46.283 or a care management organization under s. 46.284. For potential or actual
6 recipients of the family care benefit, advocacy services required under this
7 paragraph shall include all of the following:

8 1. Providing information, technical assistance and training about how to obtain
9 needed services or support items.

10 2. Providing advice and assistance in preparing and filing complaints,
11 grievances and appeals of complaints or grievances.

12 3. Providing negotiation and mediation.

13 4. Providing individual case advocacy assistance regarding the appropriate
14 interpretation of statutes, rules or regulations.

15 5. Providing individual case advocacy services in administrative hearings and
16 legal representation for judicial proceedings regarding family care services or
17 benefits.

18 **SECTION 42.** 16.0095 of the statutes is repealed.

19 **SECTION 43.** 16.01 (2) (h) of the statutes is created to read:

20 16.01 (2) (h) Provide staffing and other support services to the glass ceiling
21 board, and pay expenses required to operate the board.

22 **SECTION 44.** 16.15 (4) of the statutes is repealed.

23 **SECTION 45.** 16.17 of the statutes is created to read:

24 **16.17 Glass ceiling initiative. (1)** In this section:

25 (a) “Board” means the glass ceiling board.

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1 (b) "Glass ceiling" means a formal or informal barrier to full participation of
2 women and minority group members in the management of public and private sector
3 employers.

4 (2) The board shall do all of the following:

5 (a) Administer an annual "Governor's Glass Ceiling Award Program" to
6 recognize Wisconsin businesses and organizations that advance or promote the
7 advancement of women and minority group members to upper-level management
8 positions.

9 (b) Conduct outreach and provide other resources to disseminate information
10 to employers on glass ceiling issues and effective programs that have helped
11 eliminate barriers to promotion of women and minority group members to
12 upper-level management positions.

13 (c) Identify businesses and industries that provide exceptional opportunities
14 for women and minority group members to advance to upper-level management
15 positions, and, whenever appropriate, promote the expansion of such businesses and
16 industries in this state.

17 (d) Actively promote the appointment of qualified women and minority group
18 members to public and private governing bodies.

19 **SECTION 46.** 16.22 (title), (1) and (2) (intro.) and (a) to (g) of the statutes are
20 renumbered 46.78 (title), (1) and (2) (intro.) and (a) to (g).

21 **SECTION 47.** 16.22 of the statutes, as affected by 1999 Wisconsin Act ... (this
22 act), is repealed.

23 **SECTION 48.** 16.22 (2) (h) of the statutes is renumbered 46.78 (2) (h) and
24 amended to read:

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1 46.78 (2) (h) From the appropriations under s. ~~20.505 (4) (j) and (p)~~ 20.435 (3)
2 (gb) and (p), award grants to persons providing national service programs, giving
3 priority to the greatest extent practicable to persons providing youth corps programs.

4 **SECTION 49.** 16.22 (2) (i) to (k) of the statutes are renumbered 46.78 (2) (i) to
5 (k).

6 **SECTION 50.** 16.22 (2) (kL) of the statutes, as created by 1997 Wisconsin Act 237,
7 section 4w, is renumbered 16.22 and amended to read:

8 **16.22 Wisconsin promise challenge grants.** From the appropriation under
9 s. 20.505 (4) (1) (fm), award Wisconsin promise challenge grants and provide training
10 and technical assistance under 1997 Wisconsin Act 237, section 9101 (1z) (b) and (h).

11 **SECTION 51.** 16.22 (2) (L) and (3) of the statutes are renumbered 46.78 (2) (L)
12 and (3).

13 **SECTION 52.** 16.24 (title) and (1) of the statutes are renumbered 14.63 (title) and
14 (1), and 14.63 (1) (b), as renumbered, is amended to read:

15 14.63 (1) (b) “Institution of higher education” means a public or private
16 institution of higher education that is accredited by an accrediting association
17 recognized by the ~~department~~ state treasurer, and a proprietary school approved by
18 the ~~educational approval~~ higher educational aids board under s. 39.51.

19 **SECTION 53.** 16.24 (2) of the statutes is renumbered 14.63 (2), and 14.63 (2)
20 (intro.) and (b), as renumbered, are amended to read:

21 14.63 (2) **WEIGHTED AVERAGE TUITION; TUITION UNIT COST.** (intro.) Annually, the
22 ~~department~~ state treasurer and the board jointly shall determine all of the following:

23 (b) The price of a tuition unit, which shall be valid for a period determined
24 jointly by the ~~department~~ state treasurer and the board. The price shall be sufficient
25 to ensure the ability of the ~~department~~ state treasurer to meet its his or her

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1 obligations under this section. To the extent possible, the price shall be set so that
2 the value of the tuition unit in the anticipated academic year of its use will be equal
3 to 1% of the weighted average tuition for that academic year plus the costs of
4 administering the program under this section attributable to the unit.

5 **SECTION 54.** 16.24 (3) of the statutes is renumbered 14.63 (3), and 14.63 (3) (a)
6 (intro.) and (d), as renumbered, are amended to read:

7 14.63 (3) (a) (intro.) The ~~department~~ state treasurer shall contract with an
8 individual, a trust or a legal guardian for the sale of tuition units to that individual,
9 trust or legal guardian if all of the following apply:

10 (d) The ~~department~~ state treasurer shall promulgate rules authorizing a
11 person who has entered into a contract under this subsection to change the
12 beneficiary named in the contract.

13 **SECTION 55.** 16.24 (4) of the statutes is renumbered 14.63 (4) and amended to
14 read:

15 14.63 (4) NUMBER OF TUITION UNITS PURCHASED. A person who enters into a
16 contract under sub. (3) may purchase tuition units at any time and in any number,
17 except that the total number of tuition units purchased on behalf of a single
18 beneficiary may not exceed the number necessary to pay for 4 years of full-time
19 attendance, including mandatory student fees, as a resident undergraduate at the
20 institution within the University of Wisconsin System that has the highest resident
21 undergraduate tuition, as determined by the ~~department~~ state treasurer, in the
22 anticipated academic years of their use.

23 **SECTION 56.** 16.24 (5) of the statutes is renumbered 14.63 (5), and 14.63 (5) (a)
24 and (b) (intro.) and 2., as renumbered, are amended to read:

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1 14.63 (5) (a) Except as provided in sub. (7m), if an individual named as
2 beneficiary in a contract under sub. (3) attends an institution of higher education in
3 the United States, each tuition unit purchased on his or her behalf entitles that
4 beneficiary to apply toward the payment of tuition and mandatory student fees at the
5 institution an amount equal to 1% of the anticipated weighted average tuition of
6 bachelor's degree-granting institutions within the University of Wisconsin System
7 for the year of attendance, as estimated under sub. (2) in the year in which the tuition
8 unit was purchased.

9 (b) (intro.) Upon request by the beneficiary, the ~~department~~ state treasurer
10 shall pay to the institution in each semester of attendance the lesser of the following:

11 2. An amount equal to the sum of the institution's tuition and mandatory
12 student fees for that semester.

13 **SECTION 57.** 16.24 (6) of the statutes is renumbered 14.63 (6), and 14.63 (6) (a)
14 5. and (b), as renumbered, are amended to read:

15 14.63 (6) (a) 5. Other circumstances determined by the ~~department~~ state
16 treasurer to be grounds for termination.

17 (b) The ~~department~~ state treasurer shall terminate a contract under sub. (3)
18 if any of the tuition units purchased under the contract remain unused 10 years after
19 the anticipated academic year of the beneficiary's initial enrollment in an institution
20 of higher education, as specified in the contract.

21 **SECTION 58.** 16.24 (7) of the statutes is renumbered 14.63 (7), and 14.63 (7) (a)
22 (intro.), 3., 4. and 5. and (b), as renumbered, are amended to read:

23 14.63 (7) (a) (intro.) Except as provided in sub. (7m), the ~~department~~ state
24 treasurer shall do all of the following:

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1 3. If a contract is terminated under sub. (6) (a) 4. or (b), refund to the person
2 who entered into the contract an amount equal to 99% of the amount determined
3 under subd. 2. ~~If a contract is terminated under sub. (6) (a) 4., the department may~~
4 ~~not issue a refund for one year following receipt of the notice of termination and may~~
5 ~~not issue a refund of more than 100 tuition units in any year.~~

6 4. If a contract is terminated under sub. (6) (a) 5., refund to the person who
7 entered into the contract the amount under subd. 2. or under subd. 3., as determined
8 by the department state treasurer.

9 5. If the beneficiary is awarded a scholarship, tuition waiver or similar subsidy
10 that cannot be converted into cash by the beneficiary, refund to the person who
11 entered into the contract, upon the person's request, an amount equal to the value
12 of the tuition units that are not needed because of the scholarship, waiver or similar
13 subsidy and that would otherwise have been paid by the department state treasurer
14 on behalf of the beneficiary during the semester in which the beneficiary is enrolled.

15 (b) ~~Except as provided under par. (a) 3., the department~~ The state treasurer
16 shall determine the method and schedule for the payment of refunds under this
17 subsection.

18 **SECTION 59.** 16.24 (7m) of the statutes is renumbered 14.63 (7m), and 14.63
19 (7m) (a) (intro.), (b) and (c), as renumbered, are amended to read:

20 14.63 (7m) (a) (intro.) The department state treasurer may adjust the value of
21 a tuition unit based on the actual earnings attributable to the tuition unit less the
22 costs of administering the program under this section that are attributable to the
23 tuition unit if any of the following applies:

24 (b) The department state treasurer may not increase the value of a tuition unit
25 under par. (a) to an amount that exceeds the value of a tuition unit that was

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1 purchased at a similar time, held for a similar period and used or refunded in the
2 anticipated academic year of the beneficiary's attendance, as specified in the
3 contract.

4 (c) The ~~department~~ state treasurer may promulgate rules imposing or
5 increasing penalties for refunds under sub. (7) (a) if the ~~department~~ state treasurer
6 determines that such rules are necessary to maintain the status of the program
7 under this section as a qualified state tuition program under section 529 of the
8 Internal Revenue Code, as defined in s. 71.01 (6).

9 **SECTION 60.** 16.24 (8) of the statutes is renumbered 14.63 (8) and amended to
10 read:

11 14.63 (8) EXEMPTION FROM GARNISHMENT, ATTACHMENT AND EXECUTION. Moneys
12 deposited in the tuition trust fund and a beneficiary's right to the payment of tuition
13 and mandatory student fees under this section are not subject to garnishment,
14 attachment, execution or any other process of law.

15 **SECTION 61.** 16.24 (9) to (11) of the statutes are renumbered 14.63 (9) to (11),
16 and 14.63 (9), (10), (10m) and (11) (b), as renumbered, are amended to read:

17 14.63 (9) CONTRACT WITH ACTUARY. The ~~department~~ state treasurer shall
18 contract with an actuary or actuarial firm to evaluate annually whether the assets
19 in the tuition trust fund are sufficient to meet the obligations of the ~~department~~ state
20 treasurer under this section and to advise the ~~department~~ state treasurer on setting
21 the price of a tuition unit under sub. (2) (b).

22 (10) REPORTS. (a) Annually, the ~~department~~ state treasurer shall submit a
23 report to the governor, and to the appropriate standing committees of the legislature
24 under s. 13.172 (3), on the program under this section. The report shall include any
25 recommendations for changes to the program that the ~~department~~ state treasurer

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1 determines are necessary to ensure the sufficiency of the tuition trust fund to meet
2 the department's state treasurer's obligations under this section.

3 (b) The department state treasurer shall submit a quarterly report to the state
4 investment board projecting the future cash flow needs of the tuition trust fund. The
5 state investment board shall invest moneys held in the tuition trust fund in
6 investments with maturities and liquidity that are appropriate for the needs of the
7 fund as reported by the department state treasurer in its his or her quarterly reports.
8 All income derived from such investments shall be credited to the fund.

9 **(10m)** REPAYMENT TO GENERAL FUND. The secretary of administration shall
10 transfer from the tuition trust fund to the general fund an amount equal to the
11 amount encumbered from the appropriation under s. ~~20.505 (9)~~ 20.585 (2) (a) when
12 the secretary of administration determines that funds in the tuition trust fund are
13 sufficient to make the transfer. The secretary of administration may make the
14 transfer in instalments.

15 **(11)** (b) The requirements to pay tuition and mandatory student fees under sub.
16 (5) and to make refunds under sub. (7) are subject to the availability of sufficient
17 assets in the tuition trust fund.

18 **SECTION 62.** 16.24 (12) and (13) of the statutes are renumbered 14.63 (12) and
19 (13), and 14.63 (12) (title), (a) (intro.) and (b) (intro.) and (13), as renumbered, are
20 amended to read:

21 14.63 **(12)** (title) ADDITIONAL DEPARTMENT DUTIES AND POWERS OF THE STATE
22 TREASURER.

23 (a) (intro.) The department state treasurer shall do all of the following:

24 (b) (intro.) The department state treasurer may do any of the following:

SENATE BILL 45**SECTION 62**

1 **(13) PROGRAM TERMINATION.** If the ~~department~~ state treasurer determines that
2 the program under this section is financially infeasible, the ~~department~~ state
3 treasurer shall discontinue entering into tuition prepayment contracts under sub.
4 (3) and discontinue selling tuition units under sub. (4).

5 **SECTION 63.** 16.25 of the statutes is created to read:

6 **16.25 Emergency weather warning system.** If the secretary determines
7 that the federal communications commission has approved the transfer of all
8 broadcasting licenses held by the educational communications board and the board
9 of regents of the University of Wisconsin System to the corporation described under
10 s. 39.81, on and after the effective date of the last license transferred ... [revisor
11 inserts date], the department shall operate an emergency weather warning system.

12 **SECTION 64.** 16.339 (2) (a) of the statutes is amended to read:

13 **16.339 (2) (a)** From the appropriation under s. 20.505 (7) (dm), the department
14 may award a grant ~~that does not exceed \$50,000~~ to an eligible applicant for the
15 purpose of providing transitional housing and associated supportive services to
16 homeless individuals and families if the conditions under par. (b) are satisfied.

17 **SECTION 65.** 16.385 (7) of the statutes is amended to read:

18 **16.385 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES.** No
19 payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison
20 under s. 302.01 or to a person placed at a secured correctional facility, as defined in
21 s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g),
22 or a secured group home, as defined in s. 938.02 (15p).

23 **SECTION 66.** 16.417 (2) (f) of the statutes is renumbered 16.417 (2) (f) (intro.)
24 and amended to read:

25 **16.417 (2) (f) (intro.)** This subsection does not apply to ~~an~~ any of the following:

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1 1. An individual other than an elective state official who has a full-time
2 appointment for less than 12 months, during any period of time that is not included
3 in the appointment.

4 **SECTION 67.** 16.417 (2) (f) 2. of the statutes is created to read:

5 16.417 **(2)** (f) 2. An individual who is a member of the faculty, as defined in s.
6 36.05 (8), or academic staff, as defined in s. 36.05 (1), other than an elective state
7 official, who has a full-time appointment at an institution within the University of
8 Wisconsin System and who holds any other position or is retained in any other
9 capacity by a different institution within the University of Wisconsin System.

10 **SECTION 68.** 16.42 (1) (intro.) of the statutes is amended to read:

11 16.42 **(1)** (intro.) All agencies, other than the legislature and the courts, ~~no later~~
12 ~~than September 15 of each even-numbered year, before each budget period no later~~
13 ~~than the date and~~ in the form and content prescribed by the department, shall
14 prepare and forward to the department and to the legislative fiscal bureau the
15 following program and financial information:

16 **SECTION 69.** 16.50 (5m) of the statutes is amended to read:

17 16.50 **(5m)** UNIVERSITY INDIRECT COST REIMBURSEMENTS. Subsections (2) to (5)
18 do not apply to expenditures authorized under s. 20.285 (2) (i) ~~2.~~

19 **SECTION 70.** 16.501 (title) of the statutes is amended to read:

20 **16.501** (title) **Forward Wisconsin, Inc.; funds; report.**

21 **SECTION 71.** 16.501 (3) of the statutes is created to read:

22 16.501 **(3)** On or before September 1, 2000, and every September 1 thereafter,
23 Forward Wisconsin, Inc., shall submit to the appropriate standing committees under
24 s. 13.172 (3) a report stating the net jobs gain due to the funds provided to Forward
25 Wisconsin, Inc., under s. 20.143 (1) (bm).

SENATE BILL 45**SECTION 72**

1 **SECTION 72.** 16.505 (1) (intro.) of the statutes is amended to read:

2 16.505 (1) (intro.) Except as provided in subs. (2), (2m) ~~and~~, (2n) and (4), no
3 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
4 created or abolished unless authorized by one of the following:

5 **SECTION 73.** 16.505 (4) (b) of the statutes is amended to read:

6 16.505 (4) (b) Except as provided in ~~par.~~ par. (c) and (d), no agency may change
7 the funding source for a position authorized under this section unless the position
8 is authorized to be created under a different funding source in accordance with this
9 section.

10 **SECTION 74.** 16.505 (4) (b) of the statutes, as affected by 1999 Wisconsin Act ...
11 (this act), is amended to read:

12 16.505 (4) (b) Except as provided in ~~pars.~~ par. (c) ~~and (d)~~, no agency may change
13 the funding source for a position authorized under this section unless the position
14 is authorized to be created under a different funding source in accordance with this
15 section.

16 **SECTION 75.** 16.505 (4) (d) of the statutes is created to read:

17 16.505 (4) (d) During the period beginning on the effective date of this
18 paragraph ... [revisor inserts date], and ending on June 30, 2001, or on the date of
19 publication of the 2001–03 biennial budget act, whichever is later, the department
20 may change the funding source for any position that is funded in whole or in part
21 from program revenues or program revenues–service under any paragraph specified
22 in s. 20.505 (1), (2), (5), (7) or (8) to any other paragraph specified in s. 20.505 (1), (2),
23 (5), (7) or (8) that is funded from program revenues or program revenues–service.
24 Any change in the funding source for a position made under this paragraph remains
25 in effect after the period specified in this paragraph unless changed in accordance

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1 with this section. No later than the last day of the month following the completion
2 of each calendar quarter, the secretary of administration shall report to the
3 cochairpersons of the joint committee on finance concerning any positions for which
4 the funding source has been changed under this paragraph during the preceding
5 calendar quarter. The report shall include, for each position, the position type and
6 the previous and current paragraph from which the position is funded.

7 **SECTION 76.** 16.52 (6) (a) of the statutes is amended to read:

8 16.52 (6) (a) Except as authorized in s. ss. 16.74 and 16.745, all purchase
9 orders, contracts, or printing orders for any agency as defined in s. 16.70 (1) shall,
10 before any liability is incurred thereon, be submitted to the secretary for his or her
11 approval as to legality of purpose and sufficiency of appropriated and allotted funds
12 therefor. In all cases the date of the a purchasing contract or order governs the fiscal
13 year to which the contract or order is chargeable, unless the secretary determines
14 that the purpose of the contract or order is to prevent lapsing of appropriations or to
15 otherwise circumvent budgetary intent. Upon Whenever such approval is required,
16 the secretary, upon granting approval, shall immediately encumber all contracts or
17 orders, and indicate the fiscal year to which they are chargeable.

18 **SECTION 77.** 16.528 (3) (f) of the statutes is created to read:

19 16.528 (3) (f) The failure to pay timely due to an occurrence to which s. 893.83
20 applies.

21 **SECTION 78.** 16.54 (2) (a) 2. of the statutes is amended to read:

22 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
23 law enacted after August 31, 1995, which authorizes the distribution of block grants
24 for the purposes for which the grant is made, the governor shall not administer and
25 no board, commission or department may encumber or expend moneys received as

SENATE BILL 45**SECTION 78**

1 a part of the grant unless the governor first notifies the cochairpersons of the joint
2 committee on finance, in writing, that the grant has been made. The notice shall
3 contain a description of the purposes proposed by the governor for expenditure of the
4 moneys received as a part of the grant. If the cochairpersons of the committee do not
5 notify the governor that the committee has scheduled a meeting for the purpose of
6 reviewing the proposed expenditure of grant moneys within 14 working days after
7 the date of the governor's notification, the moneys may be expended as proposed by
8 the governor. If, within 14 working days after the date of the governor's notification,
9 the cochairpersons of the committee notify the governor that the committee has
10 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant
11 moneys, no moneys received as a part of the grant may be expended without the
12 approval of the committee. This subdivision does not apply to the expenditure of
13 block grant funds that are allocated under s. 49.175.

14 **SECTION 79.** 16.54 (12) of the statutes is created to read:

15 16.54 (12) (a) The department of health and family services may not expend
16 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
17 of health and family services submits a plan for the expenditure of the moneys to the
18 department of administration and the department of administration approves the
19 plan.

20 (b) The department of workforce development may not expend or encumber any
21 moneys received under s. 20.445 (3) (mm) unless the department of workforce
22 development submits a plan for the expenditure of the moneys to the department of
23 administration and the department of administration approves the plan.

24 (c) The department of administration may approve any plan submitted under
25 par. (a) or (b) in whole or in part. If the department approves any such plan in whole

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1 or part, the department shall notify the cochairpersons of the joint committee on
2 finance, in writing, of the department's action under this paragraph.

3 (d) At the end of each fiscal year, the department of administration shall
4 determine the amount of moneys that remain in the appropriation accounts under
5 ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been approved for
6 encumbrance or expenditure by the department pursuant to a plan submitted under
7 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
8 department shall notify the cochairpersons of the joint committee on finance, in
9 writing, of the department's action under this paragraph.

10 **SECTION 80.** 16.62 (2) of the statutes is amended to read:

11 16.62 (2) The department may establish user charges for records storage and
12 retrieval services, with any moneys collected to be credited to the appropriation
13 account under s. 20.505 (1) (im) or ~~(kd)~~ (ka). Such charges shall be structured to
14 encourage efficient utilization of the services.

15 **SECTION 81.** 16.62 (3) of the statutes is amended to read:

16 16.62 (3) The department may establish user fees for the services of the public
17 records board. Any moneys collected shall be credited to the appropriation account
18 under s. 20.505 (1) ~~(kd)~~ (ka).

19 **SECTION 82.** 16.71 (1) of the statutes is amended to read:

20 16.71 (1) Except as otherwise required under this section or as authorized in
21 s. ss. 16.74 and 16.745, the department shall purchase and may delegate to special
22 designated agents the authority to purchase all necessary materials, supplies,
23 equipment, all other permanent personal property and miscellaneous capital, and
24 contractual services and all other expense of a consumable nature for all agencies.
25 In making any delegation, the department shall require the agent to adhere to all

SENATE BILL 45**SECTION 82**

1 requirements imposed upon the department in making purchases under this
2 subchapter. All materials, services and other things and expense furnished to any
3 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
4 of the agency to which furnished.

5 **SECTION 83.** 16.72 (4) (a) of the statutes is amended to read:

6 16.72 (4) (a) Except as provided in ~~s. ss.~~ 16.74 and 16.745 or as otherwise
7 provided in this subchapter and the rules promulgated under s. 16.74 and this
8 subchapter, all supplies, materials, equipment and contractual services shall be
9 purchased for and furnished to any agency only upon requisition to the department.
10 The department shall prescribe the form, contents, number and disposition of
11 requisitions and shall promulgate rules as to time and manner of submitting such
12 requisitions for processing. No agency or officer may engage any person to perform
13 contractual services without the specific prior approval of the department for each
14 such engagement. Purchases of supplies, materials, equipment or contractual
15 services by the investment board or by the legislature, the courts or legislative
16 service or judicial branch agencies do not require approval under this paragraph.

17 **SECTION 84.** 16.72 (6) and (7) of the statutes are repealed.

18 **SECTION 85.** 16.745 of the statutes is created to read:

19 **16.745 Investment board purchasing.** (1) The investment board may place
20 requisitions and enter into contracts for the purchase of any materials, supplies,
21 equipment or services required by the board. The investment board shall maintain
22 copies of all purchasing requisitions and contracts, and shall permit inspection and
23 copying of the requisitions and contracts under subch. II of ch. 19. No such
24 requisition or contract need be filed with the department.

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1 **(2)** The investment board shall file all bills and statements for purchases and
2 engagements made by the board with the secretary, who shall audit and authorize
3 payment of all lawful bills and statements. No bill or statement for any purchase or
4 engagement for the investment board may be paid until the bill or statement is
5 approved by the board.

6 **(3)** The department, upon request, shall make recommendations and furnish
7 assistance to the investment board regarding purchasing procedure. The
8 department, upon request, shall process requisitions for purchases submitted by the
9 investment board and shall procure materials, supplies, equipment, property and
10 services for the board in accordance with the purchasing procedure prescribed for
11 executive branch agencies under this subchapter.

12 **(4)** All stationery and printing purchased by the investment board shall be
13 procured from the lowest responsible bidder.

14 **SECTION 86.** 16.75 (1) (a) 2. of the statutes is amended to read:

15 16.75 **(1)** (a) 2. If a vendor is not a Wisconsin producer, distributor, supplier or
16 retailer and the department determines that the state, foreign nation or subdivision
17 thereof in which the vendor is domiciled grants a preference to vendors domiciled in
18 that state, nation or subdivision in making governmental purchases, the department
19 and any agency making purchases under s. 16.74 or 16.745 shall give a preference
20 over that vendor to Wisconsin producers, distributors, suppliers and retailers, if any,
21 when awarding the order or contract. The department may enter into agreements
22 with states, foreign nations and subdivisions thereof for the purpose of implementing
23 this subdivision.

24 **SECTION 87.** 16.75 (3m) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 87**

1 16.75 **(3m)** (b) The department and any agency making purchases under s.
2 16.74 or 16.745 shall attempt to ensure that 5% of the total amount expended under
3 this subchapter in each fiscal year is paid to minority businesses. Except as provided
4 under sub. (7), the department may purchase materials, supplies, equipment and
5 contractual services from any minority business submitting a qualified responsible
6 competitive bid that is no more than 5% higher than the apparent low bid or
7 competitive proposal that is no more than 5% higher than the most advantageous
8 offer. In administering the preference for minority businesses established in this
9 paragraph, the department and any agency making purchases under s. 16.74 or
10 16.745 shall maximize the use of minority businesses which are incorporated under
11 ch. 180 or which have their principal place of business in this state.

12 **SECTION 88.** 16.75 (8) (a) 1. of the statutes is amended to read:

13 16.75 **(8)** (a) 1. The department, any other designated purchasing agent under
14 s. 16.71 (1), any agency making purchases under s. 16.74 or 16.745 and each
15 authority other than the University of Wisconsin Hospitals and Clinics Authority
16 shall, to the extent practicable, make purchasing selections using specifications
17 developed under s. 16.72 (2) (e) to maximize the purchase of materials utilizing
18 recycled materials and recovered materials.

19 **SECTION 89.** 16.75 (9) of the statutes is amended to read:

20 16.75 **(9)** The department, any other designated purchasing agent under s.
21 16.71 (1), any agency making purchases under s. 16.74 or 16.745 and any authority
22 other than the University of Wisconsin Hospitals and Clinics Authority shall, to the
23 extent practicable, make purchasing selections using specifications prepared under
24 s. 16.72 (2) (f).

25 **SECTION 90.** 16.752 (12) (a) of the statutes is amended to read:

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1 16.752 (12) (a) Except as provided in pars. (c), (d), (h) ~~and~~, (i) and (j) and as
2 authorized under sub. (13), agencies shall obtain materials, supplies, equipment and
3 services on the list maintained by the board under sub. (2) (g).

4 **SECTION 91.** 16.752 (12) (j) of the statutes is created to read:

5 16.752 (12) (j) The secretary may, upon request of an agency, waive compliance
6 with par. (a) with respect to any purchase to be made by or for that agency if the
7 secretary determines that compliance with par. (a) would contravene competitive
8 requirements under federal law or regulations applicable to that purchase.

9 **SECTION 92.** 16.76 (1) of the statutes is amended to read:

10 16.76 (1) All contracts for materials, supplies, equipment or contractual
11 services to be provided to any agency shall run to the state of Wisconsin. Such
12 contracts shall be signed by the secretary or an individual authorized by the
13 secretary, except that contracts entered into by the investment board shall be signed
14 by an individual authorized by the board and contracts entered into directly by the
15 legislature, the courts or a legislative service or judicial branch agency shall be
16 signed by an individual authorized under s. 16.74 (2) (b).

17 **SECTION 93.** 16.76 (4) (a) of the statutes is amended to read:

18 16.76 (4) (a) In this subsection, “master lease” means an agreement entered
19 into by the department ~~on behalf of one or more agencies for the lease of goods or the~~
20 ~~provision of~~ to obtain property or services under which the department makes or
21 agrees to make periodic payments.

22 ~~(ag) The department may act on behalf of one or more agencies or~~
23 ~~municipalities.~~ The department may pay or agree to pay ~~to the lessor~~ under a master
24 lease a sum substantially equivalent to or in excess of the aggregate value of goods
25 ~~involved~~ property or services obtained and it may be agreed that the department or

SENATE BILL 45**SECTION 93**

1 one or more agencies or municipalities will become, or for no other or nominal
2 consideration has the option to become, the owner of goods ~~leased or to be leased~~
3 property obtained or to be obtained under a master lease upon full compliance with
4 the its terms of the ~~agreement~~.

5 **SECTION 94.** 16.76 (4) (ar) of the statutes is created to read:

6 16.76 (4) (ar) Any master lease entered into by the department on behalf of a
7 municipality under this subsection may be used only to obtain property or services
8 related to public safety functions of the municipality. The department shall enter
9 into an instalment sales contract with a municipality with respect to any property
10 or services obtained by the municipality under a master lease. The municipality
11 shall issue a general obligation promissory note to the department as security for any
12 such property or services obtained or to be obtained.

13 **SECTION 95.** 16.76 (4) (b) of the statutes is amended to read:

14 16.76 (4) (b) ~~The~~ Except as provided in par. (h), the department may enter into
15 a master lease whenever the department determines that it is advantageous to the
16 state to do so. If the master lease provides for payments to be made by the state from
17 moneys that have not been appropriated at the time that the master lease is entered
18 into, the master lease shall contain the statement required under s. 16.75 (3).

19 **SECTION 96.** 16.76 (4) (c) of the statutes is amended to read:

20 16.76 (4) (c) Payments under a master lease may include interest payable at
21 a fixed or variable rate as the master lease may provide. The department may enter
22 into agreements and ancillary arrangements which the department determines to
23 be necessary to facilitate the use of a master lease, ~~including liquidity facilities,~~
24 ~~remarketing or dealer agreements, letter of credit agreements, insurance policies,~~

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1 ~~interest rate guaranty agreements, reimbursement agreements and indexing~~
2 ~~agreements.~~

3 **SECTION 97.** 16.76 (4) (e) of the statutes is amended to read:

4 16.76 (4) (e) The department may grant ~~the lessor~~ a perfected security interest
5 in ~~goods leased~~ property obtained or to be ~~leased~~ obtained under each a master lease.
6 The department shall record and preserve evidence of the security interest in its
7 offices at all times during which the master lease is in effect.

8 **SECTION 98.** 16.76 (4) (f) of the statutes is amended to read:

9 16.76 (4) (f) The department may appoint one or more fiscal agents for each
10 master lease. Each fiscal agent shall be an incorporated bank or trust company
11 authorized by the laws of the United States or of the state in which it is located to
12 do business as a banking or trust company. ~~Sections 16.705 and 16.75 do not apply~~
13 ~~to contracts for fiscal agent services.~~ The department shall periodically require
14 competitive proposals, under procedures established by the department, for fiscal
15 agent services under this paragraph. There may be deposited with a fiscal agent, in
16 a special account for such purpose only, a sum estimated to be sufficient to enable the
17 fiscal agent to make all payments which will come due under the master lease not
18 more than 15 days after the date of deposit. The department may make such other
19 provisions respecting fiscal agents as it considers necessary or useful and may enter
20 into a contract with any fiscal agent containing such terms, including compensation,
21 and conditions in regard to the fiscal agent as it considers necessary or useful.

22 **SECTION 99.** 16.76 (4) (g) of the statutes is created to read:

23 16.76 (4) (g) Sections 16.705 and 16.75 do not apply to agreements or ancillary
24 agreements under par. (c) or contracts for fiscal agent services under par. (f).

25 **SECTION 100.** 16.76 (4) (h) of the statutes is created to read:

SENATE BILL 45**SECTION 100**

1 16.76 (4) (h) A master lease may not be used to obtain a facility for use or
2 occupancy by the state or an agency or instrumentality of the state or to obtain an
3 internal improvement.

4 **SECTION 101.** 16.76 (4) (i) of the statutes is created to read:

5 16.76 (4) (i) A master lease may not provide that the right of the department
6 or any other agency to obtain property or services under the lease depends on
7 payments to be made by a municipality for property or services obtained by the
8 municipality under the lease unless the obligation of the municipality to make those
9 payments constitutes a general obligation.

10 **SECTION 102.** 16.76 (4) (j) of the statutes is created to read:

11 16.76 (4) (j) If a master lease is used to finance payments to be made under an
12 energy conservation construction project as provided in s. 16.858 (2), payments
13 under the lease may not be conditioned upon any payment required to be made by
14 the contractor pursuant to an energy conservation audit.

15 **SECTION 103.** 16.77 (1) of the statutes is amended to read:

16 16.77 (1) No bill or statement for work or labor performed under purchase
17 orders or contracts issued by the secretary or the secretary's designated agents, and
18 no bill or statement for supplies, materials, equipment or contractual services
19 purchased for and delivered to any agency may be paid until the bill or statement is
20 approved through a preaudit or postaudit process determined by the secretary. This
21 subsection does not apply to purchases made by the investment board or to purchases
22 made directly by the courts, the legislature or a legislative service or judicial branch
23 agency under s. 16.74.

24 **SECTION 104.** 16.78 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 104**

1 16.78 (1) Every agency other than the board of regents of the university of
2 Wisconsin system or an agency making purchases under s. 16.74 or 16.745 shall
3 purchase all computer services from the division of information technology services
4 in the department of ~~administration~~, unless the division grants written
5 authorization to the agency to procure the services under s. 16.75 (1), to purchase the
6 services from another agency or to provide the services to itself. The board of regents
7 of the university of Wisconsin system may purchase computer services from the
8 division of information technology services.

9 **SECTION 105.** 16.84 (14) of the statutes is amended to read:

10 16.84 (14) Provide interagency mail delivery service for agencies, as defined
11 in s. 16.70 (1). The department may charge agencies for this service. Any moneys
12 collected shall be credited to the appropriation account under s. 20.505 (1) ~~(kd)~~ (ka).

13 **SECTION 106.** 16.858 (2) of the statutes is renumbered 16.858 (2) (a) and
14 amended to read:

15 16.858 (2) (a) ~~Any A~~ contract under sub. (1) ~~shall require~~ may provide for the
16 construction work to be financed by the state or by the contractor to undertake the
17 ~~construction work at its own expense~~. The contract shall provide for the state to pay
18 a ~~maximum~~ stated amount, which shall include any financing costs incurred by the
19 contractor. The ~~maximum~~ stated amount may not exceed the minimum savings
20 determined under the audit to be realized by the state within the period specified in
21 the audit. The state shall make payments under the contract as the savings
22 identified in the audit are realized by the state, in the amounts actually realized, but
23 not to exceed the lesser of the ~~maximum~~ stated amount or the actual amount of the
24 savings realized by the state within the period specified in the audit. If the
25 department provides financing for construction work, the department may finance

SENATE BILL 45**SECTION 106**

1 any portion of the cost of the work under a master lease entered into as provided
2 under s. 16.76 (4). If the department provides financing for the construction work
3 and the stated amount to be paid by the state under the contract is greater than the
4 amount of the savings realized by the state within the period specified in the audit
5 under sub. (1), the contract shall require the contractor to remit the difference to the
6 department.

7 (b) The department shall charge the cost of the payments made by the state to
8 the contractor to the applicable appropriation for fuel and utility costs at the
9 building, structure or facility where the work is performed in the amounts equivalent
10 to the savings that accrue to the state under that appropriation from expenditures
11 not made as a result of the construction work, as determined by the department in
12 accordance with the contract. The department may also charge its costs for
13 negotiation and, administration and financing of the contract to the same
14 appropriation.

15 **SECTION 107.** 16.858 (4) of the statutes is amended to read:

16 16.858 (4) No later than January 1 of each year, the secretary shall report to
17 the cochairpersons of the joint committee on finance identifying any construction
18 work for which the department has contracted under this section for which ~~the state~~
19 ~~has not made its final payment~~ has not been made as of the date of the preceding
20 report, together with the actual energy cost savings realized by the state as a result
21 of the contract to date, or the estimated energy cost savings to be realized by the state
22 if the total savings to be realized in the audit under sub. (1) have not yet been
23 realized, and the date on which the state made its final payment under the contract
24 or, if the final payment has not been made, the latest date on which the state is

SENATE BILL 45**SECTION 107**

1 obligated to make its final payment under the contract, and any amount that
2 remains payable to the state under the contract.

3 **SECTION 108.** 16.952 of the statutes is created to read:

4 **16.952 Planning grants to local governmental units.** (1) In this section,
5 “local governmental unit” means a county, city, village, town or regional planning
6 commission.

7 (2) From the appropriation under s. 20.505 (1) (z), the department may provide
8 grants to local governmental units to be used to finance the cost of planning
9 activities, including contracting for planning consultant services, public planning
10 sessions and other planning outreach and educational activities, or for the purchase
11 of computerized planning data, planning software or the hardware required to
12 utilize that data or software. The department shall require any local governmental
13 unit that receives a grant under this section to finance at least 20% of the cost of the
14 product or service to be funded by the grant from the resources of the local
15 governmental unit. Prior to awarding a grant under this section, the department
16 shall forward a detailed statement of the proposed expenditures to be made under
17 the grant to the secretary of transportation and obtain his or her written approval
18 of the proposed expenditures.

19 **SECTION 109.** 16.956 of the statutes is repealed.

20 **SECTION 110.** 16.964 (6) of the statutes is created to read:

21 16.964 (6) (a) In this subsection, “tribe” means a federally recognized American
22 Indian tribe or band in this state.

23 (b) From the appropriation under s. 20.505 (6) (ks), the office shall provide
24 grants to tribes to fund tribal law enforcement operations. To be eligible for a grant
25 under this subsection, a tribe must submit an application for a grant to the office that

SENATE BILL 45**SECTION 110**

1 includes a proposed plan for expenditure of the grant moneys. The office shall review
2 any application and plan submitted to determine whether that application and plan
3 meet the criteria established under par. (b). The office shall review the use of grant
4 money provided under this subsection to ensure that the money is used according to
5 the approved plan.

6 (c) The office shall develop criteria and procedures for use in administering this
7 subsection. Notwithstanding s. 227.10 (1), the criteria need not be promulgated as
8 rules under ch. 227.

9 **SECTION 111.** 16.966 (3) of the statutes is amended to read:

10 16.966 (3) The department shall develop and maintain a computer-based
11 Wisconsin land information system and may develop and maintain other geographic
12 information systems relating to land in this state for the use of governmental and
13 nongovernmental units. In conjunction with the land information system, the
14 department may conduct soil surveys and soil mapping activities.

15 **SECTION 112.** 16.966 (5) and (6) of the statutes are created to read:

16 16.966 (5) The department may assess any state agency for any amount that
17 it determines to be required to conduct soil surveys and soil mapping activities. For
18 this purpose, the department may assess state agencies on a premium basis and pay
19 costs incurred on an actual basis. The department shall credit all moneys received
20 from state agencies under this subsection to the appropriation account under s.
21 20.505 (1) (kt).

22 (6) The department may contract with the board of commissioners of public
23 lands to perform soil surveys and soil mapping activities on lands under the
24 jurisdiction of that board.

25 **SECTION 113.** 16.967 (3) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 113**

1 16.967 (3) BOARD DUTIES. (intro.) ~~The~~ Except as otherwise provided in s. 16.966
2 (3), the board shall direct and supervise the land information program and serve as
3 the state clearinghouse for access to land information. In addition, the board shall:

4 **SECTION 114.** 16.967 (5) of the statutes is repealed.

5 **SECTION 115.** 16.971 (9) of the statutes is amended to read:

6 16.971 (9) In conjunction with the public defender board, the director of state
7 courts, the departments of corrections and justice and district attorneys, the division
8 may maintain, promote and coordinate automated justice information systems that
9 are compatible among counties and the officers and agencies specified in this
10 subsection, using the moneys appropriated under s. 20.505 (1) (ja) ~~and~~, (kp) and (kq).
11 The division shall annually report to the legislature under s. 13.172 (2) concerning
12 the division's efforts to improve and increase the efficiency of integration of justice
13 information systems.

14 **SECTION 116.** 16.974 (7) of the statutes is amended to read:

15 16.974 (7) (a) ~~Subject to s. 196.218 (4r) (f), coordinate~~ Coordinate with the
16 technology for educational achievement in Wisconsin board to provide school
17 districts, and cooperative educational service agencies ~~and technical college districts~~
18 with telecommunications access under s. ~~196.218 (4r)~~ 44.73 and contract with
19 telecommunications providers to provide such access.

20 (b) ~~Coordinate~~ Subject to s. 44.73 (5), coordinate with the technology for
21 educational achievement in Wisconsin board to provide private colleges ~~and~~,
22 technical college districts, public library boards and public library systems with
23 telecommunications access under s. ~~196.218 (4r)~~ 44.73 and contract with
24 telecommunications providers to provide such access.

SENATE BILL 45**SECTION 116**

1 (c) Coordinate with the technology for educational achievement in Wisconsin
2 board to provide private schools with telecommunications access under s. ~~196.218~~
3 ~~(4r)~~ 44.73 and contract with telecommunications providers to provide such access.

4 **SECTION 117.** 16.974 (7) (d) of the statutes is created to read:

5 16.974 (7) (d) Coordinate with the technology for educational achievement in
6 Wisconsin board to provide the Wisconsin School for the Visually Handicapped and
7 the Wisconsin School for the Deaf with telecommunications access under s. 44.73 (5)
8 and contract with telecommunications providers to provide such access.

9 **SECTION 118.** 17.13 (intro.) of the statutes is amended to read:

10 **17.13 Removal of village, town, town sanitary district, school district**
11 **and, technical college and family care district officers.** (intro.) Officers of
12 towns, town sanitary districts, villages, school districts and, technical college
13 districts and family care districts may be removed as follows:

14 **SECTION 119.** 17.13 (4) of the statutes is created to read:

15 17.13 (4) APPOINTIVE OFFICERS OF A FAMILY CARE DISTRICT. Any member of a
16 family care district board appointed under s. 46.2895 (3) (a) 1., by the appointing
17 authority for cause.

18 **SECTION 120.** 17.15 (5) of the statutes is created to read:

19 17.15 (5) FAMILY CARE DISTRICT. Any member of a family care district governing
20 board appointed under s. 46.2895 (3) (a) 2. may be removed by the appointing
21 authority for cause.

22 **SECTION 121.** 17.27 (3m) of the statutes is created to read:

23 17.27 (3m) FAMILY CARE DISTRICT BOARD. If a vacancy occurs in the position of
24 any appointed member of a family care district board, the appointing authority shall

SENATE BILL 45**SECTION 121**

1 appoint to serve for the residue of the unexpired term a person who meets the
2 applicable requirements under s. 46.2895 (3) (b).

3 **SECTION 122.** 18.51 of the statutes is amended to read:

4 **18.51 Provisions applicable.** The following sections apply to this
5 subchapter, except that all references to “public debt” or “debt” are deemed shall be
6 read to refer to a “revenue obligation” and all references to “evidences of
7 indebtedness” shall be read to refer to “evidences of revenue obligations”: ss. 18.02,
8 18.03, 18.06 (8), 18.07, 18.10 (1), (2), (4) to (9) and (11) and 18.17.

9 **SECTION 123.** 18.52 (2m) (intro.) of the statutes is created to read:

10 18.52 (2m) (intro.) “Enterprise obligation” means every undertaking by the
11 state to repay a certain amount of borrowed money that is all of the following:

12 **SECTION 124.** 18.52 (5) (intro.) of the statutes is renumbered 18.52 (5) and
13 amended to read:

14 18.52 (5) “Revenue obligation” means ~~every undertaking by the state to repay~~
15 ~~a certain amount of borrowed money which is:~~ an enterprise obligation or a special
16 fund obligation. A revenue obligation may be both an enterprise obligation and a
17 special fund obligation.

18 **SECTION 125.** 18.52 (5) (a) of the statutes is renumbered 18.52 (2m) (a) and
19 amended to read:

20 18.52 (2m) (a) Created for the purpose of purchasing, acquiring, leasing,
21 constructing, extending, expanding, adding to, improving, conducting, controlling,
22 operating or managing a revenue-producing enterprise or program;

23 **SECTION 126.** 18.52 (5) (b) of the statutes is renumbered 18.52 (2m) (b) and
24 amended to read:

SENATE BILL 45**SECTION 126**

1 18.52 **(2m)** (b) Payable ~~solely~~ from and secured ~~solely~~ by the property or income
2 or both of the enterprise or program; ~~and,~~

3 **SECTION 127.** 18.52 (5) (c) of the statutes is renumbered 18.52 (2m) (c).

4 **SECTION 128.** 18.52 (7) of the statutes is created to read:

5 18.52 **(7)** “Special fund obligation” means every undertaking by the state to
6 repay a certain amount of borrowed money which is all of the following:

7 (a) Payable from a special fund consisting of fees, penalties or excise taxes.

8 (b) Not public debt under s. 18.01 (4).

9 **SECTION 129.** 18.52 (8) of the statutes is created to read:

10 18.52 **(8)** “Special fund program” means a state program or purpose with
11 respect to which the legislature has determined that financing with special fund
12 obligations is appropriate and will serve a public purpose.

13 **SECTION 130.** 18.53 (3) of the statutes is renumbered 18.53 (3) (intro.) and
14 amended to read:

15 18.53 **(3)** (intro.) The commission shall authorize money to be borrowed and
16 evidences of revenue obligation to be issued ~~therefor up to the amounts specified by~~
17 ~~the legislature to purchase, acquire, lease, construct, extend, expand, add to,~~
18 ~~improve, conduct, control, operate or manage such revenue-producing enterprises~~
19 ~~or programs as are specified by the legislature as the funds are required.~~ The
20 requirements for funds shall be established by the state department or agency head
21 carrying out program responsibilities for which the revenue obligations have been
22 authorized by the legislature, but shall not exceed the following:

23 **SECTION 131.** 18.53 (3) (a) and (b) of the statutes are created to read:

24 18.53 **(3)** (a) In the case of enterprise obligations, the amounts specified by the
25 legislature to purchase, acquire, lease, construct, extend, expand, add to, improve,

SENATE BILL 45**SECTION 131**

1 conduct, control, operate or manage such revenue-producing enterprises or
2 programs as are specified by the legislature.

3 (b) In the case of special fund obligations, the amount specified by the
4 legislature for such expenditures to be paid from special fund obligations.

5 **SECTION 132.** 18.56 (1) of the statutes is renumbered 18.56 and amended to
6 read:

7 **18.56 Revenue ~~bonds~~ obligations.** The commission may authorize, for any
8 of the purposes described in s. 18.53 (3), the issuance of ~~revenue-obligation bonds~~
9 revenue obligations. The ~~bonds~~ revenue obligations shall mature at any time not
10 exceeding 50 years from the date thereof as the commission shall determine. The
11 ~~bonds~~ revenue obligations shall be payable only out of the redemption fund provided
12 under sub. s. 18.561 (5) or 18.562 (3) and each ~~bond~~ revenue obligation shall contain
13 on its face a statement to that effect. ~~Any such bonds~~ A revenue obligation may
14 contain a provision authorizing redemption, in whole or in part, at stipulated prices,
15 at the option of the commission and shall provide the method of redeeming the ~~bonds~~.
16 ~~The state and a contracting party may provide in any contract for purchasing or~~
17 ~~acquiring a revenue-producing enterprise or program, that payment shall be made~~
18 ~~in such bonds~~ revenue obligations.

19 **SECTION 133.** 18.56 (2) to (6) of the statutes are renumbered 18.561 (2) to (6)
20 and amended to read:

21 18.561 (2) SECURITY INTERESTS OF OWNERS OF ENTERPRISE OBLIGATIONS. There
22 ~~shall be~~ is a mortgage lien upon or security interest in the income and property of
23 each revenue-producing enterprise or program ~~to~~ for the benefit of the holders
24 owners of the related bonds and to the holders of the coupons of the bonds. ~~The note~~
25 ~~or other instrument evidencing the security interest of a bondholder in a loan made~~

SENATE BILL 45**SECTION 133**

1 or purchased with revenue obligation bonds shall constitute a statutory lien on the
2 revenue enterprise obligations. No physical delivery, recordation or other action is
3 required to perfect the security interest. The income and property of the
4 revenue-producing enterprise or program shall remain subject to the lien until
5 provision for payment in full of the principal and interest of the ~~bonds~~ enterprise
6 obligations has been made, as provided in the authorizing resolution. Any holder
7 owner of such ~~bonds or attached coupons~~ enterprise obligations may either at law or
8 in equity protect and enforce the lien and compel performance of all duties required
9 by this section. If there is any default in the payment of the principal or interest of
10 any of such ~~bonds~~ enterprise obligations, any court having jurisdiction of the action
11 may appoint a receiver to administer the revenue-producing enterprise or program
12 on behalf of the state and the ~~bondholders~~ owners of the enterprise obligations, with
13 power to charge and collect rates sufficient to provide for the payment of the
14 operating expenses and also to pay any ~~bonds or~~ enterprise obligations outstanding
15 against the revenue-producing enterprise or program, and to apply the income and
16 revenues thereof in conformity with this subchapter and the authorizing resolution,
17 or the court may declare the whole amount of the ~~bonds~~ enterprise obligations due
18 and payable, if such relief is requested, and may order and direct the sale of the
19 revenue-producing enterprise or program. Under any sale so ordered, the purchaser
20 shall be vested with an indeterminate permit to maintain and operate the
21 revenue-producing enterprise or program. The legislature may provide for
22 additions, extensions and improvements to a revenue-producing enterprise or
23 program to be financed by additional issues of ~~bonds~~ enterprise obligations as
24 provided by this section. Such additional issues of ~~bonds~~ enterprise obligations shall
25 be subordinate to all prior related issues of ~~bonds~~ enterprise obligations which may

SENATE BILL 45**SECTION 133**

1 have been made under this section, unless the legislature, in the statute authorizing
2 the initial issue of ~~bonds~~ enterprise obligations, permits the issue of additional ~~bonds~~
3 enterprise obligations on a parity therewith.

4 (3) DEDICATION OF REVENUES. As accurately as possible in advance, the
5 commission and the state department or agency carrying out program
6 responsibilities for which ~~bonds~~ enterprise obligations are to be issued shall
7 determine, and the commission shall fix in the authorizing resolution for such ~~bonds~~
8 enterprise obligations: the proportion of the revenues of the revenue-producing
9 enterprise or program which shall be necessary for the reasonable and proper
10 operation and maintenance thereof; the proportion of the revenues which shall be set
11 aside as a proper and adequate replacement and reserve fund; and the proportion of
12 the revenues which shall be set aside and applied to the payment of the principal and
13 interest of the ~~bonds~~ enterprise obligations, and shall provide that the revenues be
14 set aside in separate funds. At any time after one year's operation, the state
15 department or agency and the commission may recompute the proportion of the
16 revenues which shall be assignable under this subsection based upon the experience
17 of operation or upon the basis of further financing.

18 (4) REPLACEMENT AND RESERVE FUND. The proportion set aside to the
19 replacement and reserve fund shall be available and shall be used, whenever
20 necessary, to restore any deficiency in the redemption fund for the payment of the
21 principal and interest due on ~~bonds~~ enterprise obligations and for the creation and
22 maintenance of any reserves established by the authorizing resolution to secure such
23 payments. At any time when the redemption fund is sufficient for said purposes,
24 moneys in the replacement and reserve fund may, subject to available
25 appropriations, be expended either in the revenue-producing enterprise or program

SENATE BILL 45**SECTION 133**

1 or in new acquisitions, constructions, extensions ~~or~~, additions, expansions or
2 improvements. Any accumulations of the replacement and reserve fund may be
3 invested as provided in this subchapter, and if invested, the income from the
4 investment shall be carried in the replacement and reserve fund.

5 (5) REDEMPTION FUND. The proportion which shall be set aside for the payment
6 of the principal and interest ~~of such bonds~~ on the enterprise obligations shall from
7 month to month as they accrue and are received, be set apart and paid into a separate
8 fund in the treasury or in an account maintained by a trustee under sub. (9) (j) to be
9 identified as “the ... redemption fund”. Each redemption fund shall be expended, and
10 all moneys from time to time on hand therein are irrevocably appropriated, in sums
11 sufficient, only for the payment of principal and interest on the ~~revenue~~ enterprise
12 obligations giving rise to it and premium, if any, due upon ~~refunding~~ redemption of
13 any such obligations. Moneys in the redemption funds may be commingled only for
14 the purpose of investment with other public funds, but they shall be invested only
15 in investment instruments permitted in s. 25.17 (3) (dr). All such investments shall
16 be the exclusive property of the fund and all earnings on or income from such
17 investments shall be credited to the fund.

18 (6) REDEMPTION FUND SURPLUS. If any surplus is accumulated in any of the
19 redemption funds, subject to any contract rights vested in ~~holders~~ owners of ~~revenue~~
20 enterprise obligations secured thereby, it shall be paid over to the treasury.

21 **SECTION 134.** 18.56 (7) and (8) of the statutes are renumbered 18.561 (7) and
22 (8).

23 **SECTION 135.** 18.56 (9) (intro.) of the statutes is renumbered 18.561 (9) (intro.)
24 and amended to read:

SENATE BILL 45**SECTION 135**

1 18.561 (9) AUTHORIZING RESOLUTION. (intro.) The commission may provide in
2 the authorizing resolution for ~~bonds~~ enterprise obligations or by subsequent action
3 all things necessary to carry into effect this section. Any authorizing resolution shall
4 constitute a contract with the ~~holder~~ owners of any ~~bonds~~ enterprise obligations
5 issued pursuant to ~~such~~ the resolution. Any authorizing resolution may contain such
6 provisions or covenants, without limiting the generality of the power to adopt the
7 resolution, as ~~is~~ are deemed necessary or desirable for the security of ~~bondholders~~
8 the owners of enterprise obligations or the marketability of the ~~bonds~~ enterprise
9 obligations, including ~~but not limited to~~ provisions as to:

10 **SECTION 136.** 18.56 (9) (a) to (j) of the statutes are renumbered 18.561 (9) (a)
11 to (j).

12 **SECTION 137.** 18.56 (10) of the statutes is renumbered 18.561 (10) and amended
13 to read:

14 18.561 (10) SINKING FUND. The authorizing resolution may set apart ~~bonds~~
15 enterprise obligations the par value of which are equal to the principal amount of any
16 secured obligation or charge subject to which a revenue-producing enterprise or
17 program is to be purchased or acquired, and shall set aside in a sinking fund from
18 the income of the revenue-producing enterprise or program, a sum sufficient to
19 comply with the requirements of the instrument creating the security, ~~or if interest.~~
20 If the instrument does not make any provision therefor for a sinking fund, the
21 resolution shall fix and determine the amount ~~which~~ that shall be set aside into ~~such~~
22 the sinking fund from month to month for interest on the secured obligation or
23 charge, and a fixed amount or proportion not exceeding a stated sum, which shall be
24 not less than one percent of the principal, to be set aside into the fund to pay the
25 principal of the secured obligation or charge. Any balance in the fund after satisfying

SENATE BILL 45**SECTION 137**

1 the secured obligations or charge, shall be transferred to the redemption fund. Bonds
2 Enterprise obligations set aside for the secured obligation or charge may, from time
3 to time, be issued to an amount sufficient with the amount then in the sinking fund,
4 to pay and retire the secured obligation or charge or any portion thereof. The bonds
5 enterprise obligation may be issued in exchange for or satisfaction of the secured
6 obligation or charge, or may be sold in the manner provided in this subchapter, and
7 the proceeds applied in payment of the same at maturity or before maturity by
8 agreement with the holder owner of the secured obligation or charge. The
9 commission and the owners of any revenue-producing enterprise or program
10 acquired or purchased may, upon such terms and conditions as are satisfactory,
11 contract that bonds enterprise obligations to provide for the discharge of the secured
12 obligation or charge, or for the whole purchase price shall be deposited with a trustee
13 or depository and released from the deposit from time to time on such terms and
14 conditions as are necessary to secure the payment of the secured obligation or charge.

15 **SECTION 138.** 18.561 (title) of the statutes is created to read:

16 **18.561 (title) Enterprise obligations.**

17 **SECTION 139.** 18.561 (1) of the statutes is created to read:

18 18.561 (1) PAYMENT WITH REVENUE OBLIGATIONS. The state and a contracting
19 party may provide, in any contract for purchasing or acquiring a revenue-producing
20 enterprise or program, that payment shall be made in revenue obligations.

21 **SECTION 140.** 18.561 (7) (title) of the statutes is created to read:

22 18.561 (7) (title) PAYMENT FOR SERVICES.

23 **SECTION 141.** 18.561 (8) (title) of the statutes is created to read:

24 18.561 (8) (title) RATES FOR SERVICES.

25 **SECTION 142.** 18.561 (9) (k) of the statutes is created to read:

SENATE BILL 45**SECTION 142**

1 18.561 (9) (k) Defeasance of the obligations.

2 **SECTION 143.** 18.562 of the statutes is created to read:

3 **18.562 Special fund obligations. (1) SECURITY INTEREST IN SPECIAL FUND.**

4 There is a security interest, for the benefit of the owners of the special fund
5 obligations, in the amounts that arise after the creation of the special fund program
6 in the special fund related to the special fund obligations. For this purpose, amounts
7 in the special fund shall be accounted for on a first-in, first-out basis. No physical
8 delivery, recordation or other action is required to perfect the security interest. The
9 special fund shall remain subject to the security interest until provision for payment
10 in full of the principal and interest of the special fund obligations has been made, as
11 provided in the authorizing resolution. An owner of special fund obligations may
12 either at law or in equity protect and enforce the security interest and compel
13 performance of all duties required by this section.

14 **(2) USE OF SPECIAL FUND MONEYS.** The commission and the state agency carrying
15 out the special fund program responsibilities shall jointly determine, and the
16 commission shall fix in the authorizing resolution for the obligations, the conditions
17 under which money in the special fund shall be set aside and applied to the payment
18 of the principal and interest of the obligations, deposited in funds established under
19 the authorizing resolution or made available for other purposes.

20 **(3) REDEMPTION FUND.** The special fund revenues that are to be set aside for the
21 payment of the principal and interest of the special fund obligations shall be paid into
22 a separate fund in the treasury or in an account maintained by a trustee under sub.
23 (5) (e) to be identified as “the ... redemption fund”. Each redemption fund shall be
24 expended, and all moneys from time to time on hand therein are irrevocably
25 appropriated, in sums sufficient, only for the payment of principal and interest on

SENATE BILL 45**SECTION 143**

1 the special fund obligations giving rise to it and premium, if any, due upon
2 redemption of any such obligations. Moneys in the redemption funds may be
3 commingled only for the purpose of investment with other public funds, but they
4 shall be invested only in investment instruments permitted in s. 25.17 (3) (dr). All
5 such investments shall be the exclusive property of the fund and all earnings on or
6 income from such investments shall be credited to the fund.

7 (4) SURPLUS. If any surplus is accumulated in any of the redemption funds,
8 subject to contract rights vested in the owners of special fund obligations security
9 thereby, it shall be paid over to the treasury.

10 (5) AUTHORIZING RESOLUTION. The commission may provide in the authorizing
11 resolution for special fund obligations or by subsequent action all things necessary
12 to carry into effect this section. Any authorizing resolution shall constitute a
13 contract with the owners of any special fund obligations issued pursuant to the
14 resolution. An authorizing resolution may contain such provisions or covenants,
15 without limiting the generality of the power to adopt the resolution, as are deemed
16 necessary or desirable for the security of owners of the obligations or the
17 marketability of the obligations, including provisions as to:

18 (a) Employment of consultants.

19 (b) Records and accounts.

20 (c) Establishment of reserve or other funds.

21 (d) Issuance of additional obligations.

22 (e) Deposit of the proceeds of the sale of the obligations or revenues of the
23 special fund in trust, including the appointment of depositories or trustees.

24 (f) Defeasance of the obligations.

25 **SECTION 144.** 18.57 (title) of the statutes is repealed and recreated to read:

SENATE BILL 45**SECTION 144**

1 **18.57** (title) **Funds established for revenue obligations.**

2 **SECTION 145.** 18.57 (1) of the statutes is amended to read:

3 **18.57 (1)** A separate and distinct fund shall be established in the state treasury
4 or in an account maintained by a trustee under s. ~~18.56~~ 18.561 (9) (j) with respect to
5 each revenue-producing enterprise or program the income from which is to be
6 applied to the payment of any revenue enterprise obligation. A separate and distinct
7 fund shall be established in the state treasury or in an account maintained by a
8 trustee under s. 18.562 (5) (e) with respect to any special fund that is created by the
9 imposition of fees, penalties or excise taxes and is applied to the payment of special
10 fund obligations. All moneys resulting from the issuance of evidences of revenue
11 obligation shall be credited to the appropriate fund or applied for refunding or note
12 renewal purposes, except that moneys which represent premium or accrued interest
13 received on the issuance of evidences shall be credited to the appropriate redemption
14 fund.

15 **SECTION 146.** 18.57 (4) of the statutes is renumbered 18.57 (4) (intro.) and
16 amended to read:

17 **18.57 (4)** (intro.) If, after all outstanding related revenue obligations have been
18 paid or payment provided for, moneys remain in ~~any such a fund, they~~ created under
19 sub. (1), all of the following shall occur:

20 (a) If the fund created under sub. (1) is in an account maintained by a trustee
21 under s. 18.561 (9) (j) or 18.562 (5) (e), the moneys shall be paid over to the treasury
22 and the,

23 (b) The fund created under sub. (1) shall be closed.

24 **SECTION 147.** 18.58 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 147**

1 18.58 (1) MANAGEMENT OF FUNDS AND RECORDS. All funds established under this
2 subchapter which are deposited in the state treasury shall be managed as provided
3 by law for other state funds, subject to any contract rights vested in ~~holders~~ owners
4 of evidences of revenue obligation secured by such fund. The department of
5 administration shall maintain full and correct records of each fund. The legislative
6 audit bureau shall audit each fund as of January 1 of each year reconciling all
7 transactions and showing the fair market value of all property on hand. All records
8 and audits shall be public documents. All funds established under this subchapter
9 which are deposited with a trustee under s. ~~18.56~~ 18.561 (9) (j) or 18.562 (5) (e) shall
10 be managed in accordance with resolutions authorizing the issuance of revenue
11 obligations, agreements between the commission and the trustee and any contract
12 rights vested in ~~holders of evidence~~ owners of revenue obligations secured by such
13 fund.

14 **SECTION 148.** 18.60 (1) of the statutes is amended to read:

15 18.60 (1) The commission may authorize, for any one or more of the purposes
16 described in s. 18.53 (1), the issuance of revenue–obligation refunding bonds.
17 Refunding bonds may be issued, subject to any contract rights vested in ~~holders~~
18 owners of bonds or notes being refinanced, to refinance more than one issue of bonds
19 or notes notwithstanding that the bonds or notes may have been issued at different
20 times for different purposes and may be secured by the property or income of more
21 than one enterprise or program or may be public debt or building–corporation
22 indebtedness. The principal amount of refunding bonds shall not exceed the sum of:
23 the principal amount of the bonds or notes being refinanced; applicable redemption
24 premiums; unpaid interest on the bonds or notes to the date of delivery or exchange
25 of the refunding bonds; in the event the proceeds are to be deposited in trust as

SENATE BILL 45**SECTION 148**

1 provided in sub. (3), interest to accrue on the bonds or notes from the date of delivery
2 to the date of maturity or to the redemption date selected by the commission,
3 whichever is earlier; and the expenses incurred in the issuance of the refunding
4 bonds and the payment of the bonds or notes. A determination by the commission
5 that a refinancing is advantageous or that any of the amounts provided in the
6 preceding sentence should be included in the refinancing shall be conclusive.

7 **SECTION 149.** 18.60 (2) of the statutes is amended to read:

8 18.60 (2) If the commission determines to exchange refunding bonds, they may
9 be exchanged privately for and in payment and discharge of any of the outstanding
10 bonds or notes being refinanced. Refunding bonds may be exchanged for a like or
11 greater principal amount of the bonds or notes being exchanged therefor except that
12 the principal amount of the refunding bonds may exceed the principal amount of the
13 bonds or notes being exchanged therefor only to the extent determined by the
14 commission to be necessary or advisable to pay redemption premiums and unpaid
15 interest to the date of exchange not otherwise provided for. The holders owners of
16 the bonds or notes being refunded who elect to exchange need not pay accrued
17 interest on the refunding bonds if and to the extent that interest is accrued and
18 unpaid on the bonds or notes being refunded and to be surrendered. If any of the
19 bonds or notes to be refinanced are to be called for redemption, the commission shall
20 determine which redemption dates shall be used, if more than one date is applicable
21 and shall, prior to the issuance of the refunding bonds, provide for notice of
22 redemption to be given in the manner and at the times required by the proceedings
23 authorizing the outstanding bonds or notes.

24 **SECTION 150.** 18.60 (5) of the statutes is renumbered 18.60 (5) (intro.) and
25 amended to read:

SENATE BILL 45**SECTION 150**

1 18.60 (5) (intro.) All of the following provisions of ~~s. 18.56~~ that are not
2 inconsistent with the express provisions of this section shall apply to refunding
3 bonds, except that the maximum permissible term shall be 50 years from the date
4 of original issue of the oldest note or bond issue being refunded.;

5 **SECTION 151.** 18.60 (5) (a) to (c) of the statutes are created to read:

6 18.60 (5) (a) Section 18.56.

7 (b) In the case of enterprise obligations, s. 18.561.

8 (c) In the case of special fund obligations, s. 18.562.

9 **SECTION 152.** 18.61 (2) of the statutes is amended to read:

10 18.61 (2) The state pledges and agrees with the ~~holders~~ owners of ~~any evidences~~
11 of revenue ~~obligation~~ obligations that the state will not limit or alter its powers to
12 fulfill the terms of any agreements made with the ~~holders~~ owners or in any way
13 impair the rights and remedies of the ~~holders~~ owners until the revenue obligations,
14 together with interest including interest on any unpaid instalments of interest, and
15 all costs and expenses in connection with any action or proceeding by or on behalf of
16 the ~~holders~~ owners, are fully met and discharged. The commission may include this
17 pledge and agreement of the state in any agreement with the ~~holders of notes or~~
18 ~~bonds and in any evidence~~ owners of revenue obligation.

19 **SECTION 153.** 18.61 (3) (a) of the statutes is amended to read:

20 18.61 (3) (a) If the state fails to pay any revenue obligation in accordance with
21 its terms, and default continues for a period of 30 days or if the state fails or refuses
22 to comply with this subchapter or defaults in any agreement made with the ~~holders~~
23 owner of any issue of revenue obligations, the ~~holders~~ owners of 25% in aggregate
24 principal amount of the revenue obligations of the issue then outstanding by
25 instrument recorded in the office of the register of deeds of Dane county and approved

SENATE BILL 45**SECTION 153**

1 or acknowledged in the same manner as a deed to be recorded may appoint a trustee
2 to represent the holders owners of the ~~notes or bonds~~ revenue obligations for the
3 purposes specifically provided in the instrument.

4 **SECTION 154.** 18.61 (3) (b) (intro.) of the statutes is amended to read:

5 18.61 (3) (b) (intro.) The trustee may, and upon written request of the holders
6 owners of 25% in aggregate principal amount of the revenue obligations of the issue
7 then outstanding shall, in the trustee's own name:

8 **SECTION 155.** 18.61 (3) (b) 1. of the statutes is amended to read:

9 18.61 (3) (b) 1. By action or proceeding, enforce all rights of all holders owners
10 of the issue of revenue obligations, including the right to require the state to collect
11 enterprise or program income adequate to carry out any agreement as to, or pledge
12 of, such income and to require the state to carry out any other agreements with the
13 holders owners of the revenue obligations and to perform its duties under this
14 subchapter;

15 **SECTION 156.** 18.61 (3) (b) 3. of the statutes is amended to read:

16 18.61 (3) (b) 3. By action, require the state to account as if it were the trustee
17 of an express trust for the holders owners of the revenue obligations;

18 **SECTION 157.** 18.61 (3) (b) 4. of the statutes is amended to read:

19 18.61 (3) (b) 4. By action, enjoin any acts or things which may be unlawful or
20 in violation of the rights of the holders owners of the revenue obligations; and

21 **SECTION 158.** 18.61 (3) (c) of the statutes is amended to read:

22 18.61 (3) (c) The trustee shall have all of the powers necessary or appropriate
23 for the exercise of any functions specifically set forth in this subchapter or incident
24 to the general representation of the holders owners of revenue obligations in the
25 enforcement and protection of their rights.

SENATE BILL 45**SECTION 159**

1 **SECTION 159.** 18.61 (4) of the statutes is amended to read:

2 18.61 (4) Any public officer or public employe, as defined in s. 939.22 (30), and
3 the surety on the person’s official bond, or any other person participating in any
4 direct or indirect impairment of any fund established under this subchapter, shall
5 be liable in any action brought by the attorney general in the name of the state, or
6 by any taxpayer of the state, or by the ~~holder of any evidence~~ owner of revenue
7 obligation payable in whole or in part, directly or indirectly, out of such fund, to
8 restore to the fund all diversions from the fund.

9 **SECTION 160.** 19.32 (1) of the statutes is amended to read:

10 19.32 (1) “Authority” means any of the following having custody of a record: a
11 state or local office, elected official, agency, board, commission, committee, council,
12 department or public body corporate and politic created by constitution, law,
13 ordinance, rule or order; a governmental or quasi-governmental corporation except
14 for the Bradley center sports and entertainment corporation; a local exposition
15 district under subch. II of ch. 229; a family care district under s. 46.2895; any court
16 of law; the assembly or senate; a nonprofit corporation which receives more than 50%
17 of its funds from a county or a municipality, as defined in s. 59.001 (3), and which
18 provides services related to public health or safety to the county or municipality; a
19 nonprofit corporation operating the Olympic ice training center under s. 42.11 (3);
20 or a formally constituted subunit of any of the foregoing.

21 **SECTION 161.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

22 19.35 (1) (am) 2. c. Endanger the security, including the security of the
23 population or staff, of any state ~~correctional institution, as defined in s. 301.01 (4)~~
24 prison under s. 302.01, jail, as defined in s. 165.85 (2) (bg), secured correctional
25 facility, as defined in s. 938.02 (15m), secured child caring institution, as defined in

SENATE BILL 45**SECTION 161**

1 s. 938.02 (15g), secured group home, as defined in s. 938.02 (15p), mental health
2 institute, as defined in s. 51.01 (12), or center for the developmentally disabled, as
3 defined in s. 51.01 (3), ~~or the population or staff of any of these institutions, facilities~~
4 ~~or jails.~~

5 **SECTION 162.** 19.36 (10) of the statutes is created to read:

6 19.36 (10) HOME ADDRESSES AND TELEPHONE NUMBERS OF EMPLOYEES. An authority
7 may withhold from inspection and copying under s. 19.35 (1) (a) any information
8 contained in a record of that authority pertaining to the home address or home
9 telephone number of an employe of the authority.

10 **SECTION 163.** 19.37 (2) of the statutes is amended to read:

11 19.37 (2) COSTS, FEES AND DAMAGES. (a) Except as provided in this paragraph
12 and s. 893.83, the court shall award reasonable attorney fees, damages of not less
13 than \$100, and other actual costs to the requester if the requester prevails in whole
14 or in substantial part in any action filed under sub. (1) relating to access to a record
15 or part of a record under s. 19.35 (1) (a). If the requester is a committed or
16 incarcerated person, the requester is not entitled to any minimum amount of
17 damages, but the court may award damages unless the action relates to a matter
18 specified in s. 893.83. Costs and fees shall be paid by the authority affected or the
19 unit of government of which it is a part, or by the unit of government by which the
20 legal custodian under s. 19.33 is employed and may not become a personal liability
21 of any public official.

22 (b) ~~In~~ Except as provided in s. 893.83, in any action filed under sub. (1) relating
23 to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that
24 the authority acted in a wilful or intentional manner, the court shall award the

SENATE BILL 45**SECTION 163**

1 individual actual damages sustained by the individual as a consequence of the
2 failure.

3 **SECTION 164.** 19.37 (3) of the statutes is amended to read:

4 19.37 (3) PUNITIVE DAMAGES. If Notwithstanding s. 893.83, if a court finds that
5 an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied
6 or delayed response to a request or charged excessive fees, the court may award
7 punitive damages to the requester.

8 **SECTION 165.** 19.82 (1) of the statutes is amended to read:

9 19.82 (1) “Governmental body” means a state or local agency, board,
10 commission, committee, council, department or public body corporate and politic
11 created by constitution, statute, ordinance, rule or order; a governmental or
12 quasi-governmental corporation except for the Bradley center sports and
13 entertainment corporation; a local exposition district under subch. II of ch. 229; a
14 family care district under s. 46.2895; a nonprofit corporation operating the Olympic
15 ice training center under s. 42.11 (3); or a formally constituted subunit of any of the
16 foregoing, but excludes any such body or committee or subunit of such body which
17 is formed for or meeting for the purpose of collective bargaining under subch. I, IV
18 or V of ch. 111.

19 **SECTION 166.** 20.002 (11) (b) of the statutes is renumbered 20.002 (11) (b) 1. and
20 amended to read:

21 20.002 (11) (b) 1. The secretary of administration shall limit the total amount
22 of any temporary reallocations to a fund other than the general fund to \$400,000,000.

23 The

24 2. Except as provided in subd. 3, the secretary of administration shall limit the
25 total amount of any temporary reallocations to the general fund at any one time

SENATE BILL 45**SECTION 166**

1 during a fiscal year to an amount equal to 5% of the total amounts shown in the
2 schedule under s. 20.005 (3) of appropriations of general purpose revenues,
3 calculated by the secretary as of that time and for that fiscal year.

4 4. This paragraph does not apply to reallocations from the budget stabilization
5 fund to the general fund.

6 **SECTION 167.** 20.002 (11) (b) 3. of the statutes is created to read:

7 20.002 (11) (b) 3. In addition to the amount permitted for temporary
8 reallocations in subd. 2., the secretary may permit an additional 3% of the total
9 amounts shown in the schedule under s. 20.005 (3) of appropriations of general
10 purpose revenues, calculated by the secretary as of that time and for that fiscal year,
11 to be used for temporary reallocations to the general fund but only if the reallocation
12 is for a period not to exceed 30 days. Reallocations may not be made under this
13 subdivision for consecutive periods.

14 **SECTION 168.** 20.003 (4) of the statutes is renumbered 20.003 (4) (intro.) and
15 amended to read:

16 20.003 (4) REQUIRED GENERAL FUND BALANCE. (intro.) No bill directly or
17 indirectly affecting general purpose revenues as defined in s. 20.001 (2) (a) may be
18 enacted by the legislature if the bill would cause the estimated general fund balance
19 on June 30 of any fiscal year specified in this subsection, as projected under s. 20.005
20 (1), to be an amount equal to less than ~~one percent~~ the following percentage of the
21 total general purpose revenue appropriations for that fiscal year plus any amount
22 from general purpose revenue designated as "Compensation Reserves" for that fiscal
23 year in the summary under s. 20.005 (1);:

24 **SECTION 169.** 20.003 (4) (a) to (g) of the statutes are created to read:

25 20.003 (4) (a) For fiscal year 1999-2000, 1%.

SENATE BILL 45**SECTION 169**

- 1 (b) For fiscal year 2000-01, 1.1%.
 2 (c) For fiscal year 2001-02, 1.2%.
 3 (d) For fiscal year 2002-03, 1.4%.
 4 (e) For fiscal year 2003-04, 1.6%.
 5 (f) For fiscal year 2004-05, 1.8%.
 6 (g) For fiscal year 2005-06 and each fiscal year thereafter, 2%.

7 **SECTION 170.** 20.005 (1) of the statutes is repealed and recreated to read:

8 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
 9 the state of Wisconsin for all funds beginning on July 1, 1999, and ending on June
 10 30, 2001, is summarized as follows: [See Figure 20.005 (1) following]

11 **Figure: 20.005 (1)**

GENERAL FUND SUMMARY

	1999-00	2000-01
Opening Balance, July 1	\$ 550,580,700	\$ 545,141,400
Revenues and Transfers		
Estimated Taxes	\$ 10,120,303,500	\$ 10,228,264,000
Transfers from the Computer Escrow Fund	64,000,000	-0-
Estimated Departmental Revenues	<u>295,443,600</u>	<u>312,487,100</u>
Total Available	\$ 11,030,327,800	\$ 11,085,892,500
Appropriations, Transfers and Reserves		
Gross Appropriations	\$ 10,509,730,600	\$ 10,948,161,200
Compensation Reserves	44,100,000	94,750,000
Less Estimated Lapses	<u>(68,644,200)</u>	<u>(83,221,500)</u>
Total Expenditures	\$ 10,485,186,400	\$ 10,959,689,700

SENATE BILL 45**SECTION 170**

	1999-00	2000-01
Balances		
Gross Balance	\$ 545,141,400	\$ 126,202,800
Less Required Statutory Balance	<u>(105,538,300)</u>	<u>(121,472,000)</u>
Net Balance, June 30	\$ 439,603,100	\$ 4,730,800

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	1999-00	2000-01
General Purpose Revenue	\$ 10,509,730,600	\$ 10,948,161,200
Federal Revenue	(4,797,850,200)	(4,913,435,500)
Program Revenue	4,234,723,100	4,339,899,300
Segregated Revenue	563,127,100	573,536,200
Program Revenue	(2,650,496,400)	(2,704,688,600)
State	1,903,725,700	1,953,747,800
Service	746,770,700	750,940,800
Segregated Revenue	(2,148,305,000)	(2,178,323,900)
State	1,938,799,400	1,966,921,400
Local	64,364,000	64,864,000
Service	<u>145,141,600</u>	<u>146,538,500</u>
GRAND TOTAL	\$ 20,106,382,200	\$ 20,744,609,200

SENATE BILL 45**SECTION 170****SUMMARY OF COMPENSATION RESERVES — ALL FUNDS**

	1999-00	2000-01
General Purpose Revenue	\$ 44,100,000	\$ 94,750,000
Federal Revenue	12,536,800	26,935,600
Program Revenue	33,814,900	72,652,300
Segregated Revenue	<u>7,876,000</u>	<u>16,921,900</u>
TOTAL	\$ 98,327,700	\$ 211,259,800

LOTTERY FUND SUMMARY

	1999-2000	2000-01
Gross Revenue	\$ 426,884,200	\$ 435,170,900
Expenses		
Prizes	\$ 245,177,100	\$ 249,914,000
Administrative Expenses	<u>62,077,800</u>	<u>65,004,600</u>
	\$ 307,254,900	\$ 314,918,600
Net Proceeds	\$ 119,629,300	\$ 120,252,300
Total Available for Property Tax Relief		
Opening Balance	\$ 8,222,600	\$ 8,537,700
Net Proceeds	119,629,300	120,252,300
Interest Earnings	<u>1,653,300</u>	<u>1,666,400</u>
	\$ 129,505,200	\$ 130,456,400
Property Tax Relief	\$ 120,967,500	\$ 121,753,000

SENATE BILL 45

	1999-2000	2000-01
Gross Closing Balance	\$ 8,537,700	\$ 8,703,400
Reserve	\$ (8,537,700)	\$ (8,703,400)
Net Closing Balance	-0-	-0-

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SECTION 171. 20.005 (2) of the statutes is repealed and recreated to read:
20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

Figure: 20.005 (2) (a)

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
1999-01 FISCAL BIENNIUM**

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Administration	
Educational communications facilities	\$ 8,354,100
Agriculture, Trade and Consumer Protection	
Soil and water	3,575,000
Clean Water Fund	
Safe drinking water loan program	3,870,000
Educational Communications Board	
Educational communications facilities	(8,354,100)

SENATE BILL 45**SECTION 171**

Source and Purpose	Amount
Natural Resources	
Nonpoint source grants	14,400,000
Nonpoint source compliance	2,000,000
Transportation	
Harbor improvements	4,500,000
UW System	
Self-amortizing facilities	3,000,000
Veterans Affairs	
Self-amortizing mortgage loans	<u>111,000,000</u>
TOTAL General Obligation Bonds	\$ 142,345,000
REVENUE OBLIGATIONS	
Commerce	
PECFA	\$ 450,000,000
Transportation	
Major highway projects	<u>179,666,000</u>
TOTAL Revenue Obligation Bonds	\$ 629,666,000
GRAND TOTAL Bonding Authority Modifications	\$ 772,011,000

SENATE BILL 45**SECTION 171**1
2
3

Figure: 20.005 (2) (b)

**GENERAL OBLIGATION AND
BUILDING CORPORATION DEBT SERVICE
FISCAL YEARS 1999-00 AND 2000-01**

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(2) (d) Principal repayment and interest	GPR	\$ -0-	\$ -0-
(7) (f) Principal repayment and interest	GPR	90,100	216,700
<i>20.190 State fair park board</i>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	874,000	870,500
(1) (d) Principal repayment and interest	GPR	55,800	140,200
<i>20.225 Educational communications board</i>			
(1) (c) Principal repayment and interest	GPR	1,020,600	824,800
<i>20.245 Historical society</i>			
(1) (e) Principal repayment, interest and rebates	GPR	22,300	33,800
(2) (e) Principal repayment and interest	GPR	751,100	703,900
(4) (e) Principal repayment and interest	GPR	-0-	-0-
(5) (e) Principal repayment and interest	GPR	506,300	498,400
<i>20.250 Medical College of Wisconsin</i>			
(1) (e) Principal repayment and interest	GPR	185,300	158,700
<i>20.255 Public instruction, department of</i>			
(1) (d) Principal repayment and interest	GPR	1,109,400	1,062,100

SENATE BILL 45**SECTION 171**

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (er) Principal, interest and rebates; public library boards	GPR	278,800	633,100
(1) (es) Principal, interest and rebates; school boards	GPR	2,942,300	4,711,600
<i>20.285 University of Wisconsin System</i>			
(1) (d) Principal repayment and interest	GPR	77,114,100	75,137,400
(1) (db) Self-amortizing facilities principal and interest	GPR	-0-	-0-
(1) (fh) State laboratory of hygiene; principal repayment and interest	GPR	-0-	-0-
<i>20.320 Environmental improvement program</i>			
(1) (c) Principal repayment and interest - clean water fund program	GPR	29,139,100	32,440,600
(2) (c) Principal repayment and interest - safe drinking water loan program	GPR	331,800	331,800
<i>20.370 Natural resources, department of</i>			
(7) (aa) Resource acquisition and development - principal repayment and interest	GPR	21,838,300	23,781,300
(7) (ac) Principal repayment and interest - recreational boating bonds	GPR	-0-	-0-
(7) (ba) Debt service - remedial action	GPR	1,801,200	2,475,300
(7) (ca) Principal repayment and interest - nonpoint source grants	GPR	2,259,500	2,528,300
(7) (cb) Principal repayment and interest - pollution abatement bonds	GPR	71,579,300	68,575,900

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
(7) (cc) Principal repayment and interest - combined sewer overflow; pollution abatement bonds	GPR	17,276,800	17,001,400
(7) (cd) Principal repayment and interest - municipal clean drinking water grants	GPR	1,510,800	1,509,500
(7) (ce) Principal repayment and interest - nonpoint source compliance	GPR	54,200	168,900
(7) (ea) Administrative facilities - principal repayment and interest	GPR	537,500	577,700
<i>20.410 Corrections, department of</i>			
(1) (e) Principal repayment and interest	GPR	46,187,300	48,666,800
(1) (ec) Prison industries principal; interest and rebates	GPR	-0-	-0-
(3) (e) Principal repayment and interest	GPR	3,425,900	3,411,400
<i>20.435 Health and family services, department of</i>			
(2) (ee) Principal repayment and interest	GPR	10,341,400	11,243,600
(2) (ef) Lease rental payments	GPR	-0-	-0-
(6) (e) Principal repayment and interest	GPR	32,500	31,400
<i>20.465 Military affairs, department of</i>			
(1) (d) Principal repayment and interest	GPR	2,792,200	2,855,400
<i>20.485 Veterans affairs, department of</i>			
(1) (e) Lease rental payments	GPR	-0-	-0-
(1) (f) Principal repayment and interest	GPR	1,433,200	1,445,100
(4) (f) Repayment of principal and interest	GPR	-0-	-0-

SENATE BILL 45**SECTION 171**

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
<i>20.505 Administration, department of</i>			
(5) (c) Principal repayment and interest; Black Point Estate	GPR	21,700	135,100
<i>20.867 Building commission</i>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	9,762,900	9,336,500
(3) (a) Principal repayment and interest	GPR	19,004,700	28,520,500
(3) (b) Principal repayment and interest	GPR	-0-	-0-
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	-0-	-0-
TOTAL General Purpose Revenue Debt Service		\$ 324,280,400	\$ 340,027,700
<i>20.190 State fair park board</i>			
(1) (j) State fair principal repayment, interest and rebates	PR	\$ 1,554,800	\$ 1,701,700
<i>20.245 Historical society</i>			
(2) (j) Self-amortizing facilities; principal repayment, interest and rebates	PR	155,400	243,600
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (h) Principal, interest and rebates; school boards	PR	2,942,300	4,711,600
(1) (hb) Principal, interest and rebates; public library boards	PR	278,800	633,100
<i>20.285 University of Wisconsin System</i>			
(1) (ih) State laboratory of hygiene; principal repayment and interest.	PR	-0-	-0-

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
(1) (kd) Principal repayment, interest and rebates	PR	25,858,600	30,629,000
(1) (ke) Lease rental payments	PR	-0-	-0-
<i>20.410 Corrections, department of</i>			
(1) (ko) Prison industries principal repayment, interest and rebates	PR	97,600	101,900
<i>20.485 Veterans affairs, department of</i>			
(1) (go) Self-amortizing housing facilities; principal repayment and interest	PR	-0-	56,700
<i>20.505 Administration, department of</i>			
(5) (g) Principal repayment, interest and rebates; parking	PR	1,251,800	1,255,200
(5) (kc) Principal repayment, interest and rebates	PR	9,509,600	9,122,500
<i>20.867 Building commission</i>			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (h) Principal repayment, interest and rebates	PR	-0-	-0-
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	-0-	-0-
TOTAL Program Revenue Debt Service		\$ 41,648,900	\$ 48,455,300
<i>20.320 Environmental improvement program</i>			
(1) (t) Principal repayment and interest - clean water fund program bonds	SEG	\$ 4,000,000	\$ 4,000,000
(1) (u) Principal repayment and interest - clean water fund program revenue obligation repayment	SEG	-0-	-0-

SENATE BILL 45**SECTION 171**

STATUTE, AGENCY AND PURPOSE	SOURCE	1999-00	2000-01
<i>20.370 Natural resources, department of</i>			
(7) (aq) Resource acquisition and development - principal repayment and interest	SEG	238,700	247,900
(7) (ar) Dam repair and removal - principal repayment and interest	SEG	245,600	457,900
(7) (at) Recreation development - principal repayment and interest	SEG	-0-	-0-
(7) (eq) Administrative facilities - principal repayment and interest	SEG	1,280,100	1,500,200
(7) (er) Administrative facilities - principal repayment and interest; environmental fund	SEG	11,100	11,500
<i>20.395 Transportation, department of</i>			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	6,110,100	6,015,900
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	510,100	327,600
<i>20.485 Veterans affairs, department of</i>			
(3) (t) Debt service	SEG	71,080,000	76,633,900
(3) (v) Revenue obligation repayment	SEG	-0-	-0-
(4) (qm) Repayment of principal and interest	SEG	<u>10,800</u>	<u>10,700</u>
TOTAL Segregated Revenue Debt Service		\$ 83,486,500	\$ 89,205,600
GRAND TOTAL All Debt Service		\$ 449,415,800	\$ 477,688,600

1

2 **SECTION 172.** 20.005 (3) of the statutes is repealed and recreated to read:3 20.005 (3) APPROPRIATIONS. The following schedule sets forth all annual,
4 biennial and sum certain continuing appropriations and anticipated expenditures

SENATE BILL 45**SECTION 172**

1 from other appropriations for the programs and other purposes indicated. All
 2 appropriations are made from the general fund unless otherwise indicated. The
 3 letter abbreviations shown designating the type of appropriation apply to both fiscal
 4 years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
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Commerce

20.115 Agriculture, trade and consumer protection, department of

(1) FOOD SAFETY AND CONSUMER PROTECTION

(a) General program operations	GPR	A	-0-	-0-
Food inspection	GPR	A	3,287,400	3,287,400
Meat and poultry inspection	GPR	A	2,811,000	2,811,000
Trade and consumer protection	GPR	A	2,738,900	2,738,900
NET APPROPRIATION			8,837,300	8,837,300
(c) Automobile repair regulation	GPR	A	381,800	381,800
(g) Related services	PR	A	25,500	25,500
(gb) Food regulation	PR	A	3,720,100	3,720,100
(gf) Fruit and vegetable inspection	PR	C	1,390,700	1,390,700
(gh) Public warehouse regulation	PR	A	88,000	88,000
(gm) Dairy and vegetable security and trade practices	PR	A	635,200	635,200
(h) Grain inspection and certification	PR	C	2,795,000	2,795,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(hm) Ozone-depleting refrigerants and				
2	products regulation	PR	A	334,500	334,500
3	(i) Sale of supplies	PR	A	32,000	32,000
4	(j) Weights and measures inspection	PR	A	721,300	721,300
5	(jb) Consumer information and				
6	education	PR	A	75,000	75,000
7	(jm) Warehouse keeper and grain dealer				
8	regulation	PR	C	323,900	323,900
9	(m) Federal funds	PR-F	C	2,942,200	2,942,200
10	(r) Unfair sales act	SEG	A	124,400	124,400
11	(s) Weights and measures; petroleum				
12	inspection fund	SEG	A	489,400	489,400
13	(u) Recyclable and nonrecyclable				
14	products regulation	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			9,219,100	9,219,100
	PROGRAM REVENUE			13,083,400	13,083,400
	FEDERAL			(2,942,200)	(2,942,200)
	OTHER			(10,141,200)	(10,141,200)
	SEGREGATED FUNDS			613,800	613,800
	OTHER			(613,800)	(613,800)
	TOTAL-ALL SOURCES			22,916,300	22,916,300
15	(2) ANIMAL HEALTH SERVICES				
16	(a) General program operations	GPR	A	-0-	-0-
17	Animal health services	GPR	A	3,475,500	3,475,500
	NET APPROPRIATION			3,475,500	3,475,500
18	(b) Animal disease indemnities	GPR	S	108,600	108,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(d) Principal repayment and interest	GPR	S	-0-	-0-
2	(g) Related services	PR	A	2,122,500	2,122,500
3	(gb) Animal health and disease				
4	research; gifts and grants	PR	C	-0-	-0-
5	(h) Sale of supplies	PR	A	30,300	30,300
6	(ha) Inspection, testing and enforcement	PR	C	246,200	246,200
7	(i) Mink research assessments	PR	A	6,000	6,000
8	(j) Dog licenses, rabies control and				
9	related services	PR	A	119,500	119,500
10	(k) Animal health contractual services	PR-S	C	-0-	-0-
11	(m) Federal funds	PR-F	C	125,800	125,800
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,584,100	3,584,100
	PROGRAM REVENUE			2,650,300	2,650,300
	FEDERAL			(125,800)	(125,800)
	OTHER			(2,524,500)	(2,524,500)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,234,400	6,234,400
12	(3) MARKETING SERVICES				
13	(a) General program operations	GPR	A	-0-	-0-
14	Agricultural services	GPR	A	2,209,800	2,209,800
	NET APPROPRIATION			2,209,800	2,209,800
15	(g) Related services	PR	A	-0-	-0-
16	(ga) Gifts and grants	PR	C	25,000	25,000
17	(h) Grain inspection and certification	PR	C	-0-	-0-
18	(i) Marketing orders and agreements	PR	C	80,200	80,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(j) Stray voltage program	PR	A	273,400	273,400
2	(ja) Marketing services and materials	PR	C	302,000	302,000
3	(jm) Stray voltage program; rural				
4	electric cooperatives	PR	A	18,200	18,200
5	(L) Something special from Wisconsin				
6	promotion	PR	A	30,500	30,500
7	(m) Federal funds	PR-F	C	199,400	199,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,209,800	2,209,800
	PROGRAM REVENUE			928,700	928,700
	FEDERAL			(199,400)	(199,400)
	OTHER			(729,300)	(729,300)
	TOTAL-ALL SOURCES			3,138,500	3,138,500
8	(4) AGRICULTURAL ASSISTANCE				
9	(a) Aid to Wisconsin livestock breeders				
10	association	GPR	A	40,000	40,000
11	(b) Aids to county and district fairs	GPR	S	264,600	264,600
12	(c) Agricultural investment aids	GPR	B	400,000	400,000
13	(cd) Federal dairy policy reform	GPR	B	50,000	50,000
14	(d) Farmers tuition assistance grants	GPR	B	5,000	5,000
15	(e) Aids to world dairy expo, inc.	GPR	A	25,000	25,000
16	(f) Exposition center grants	GPR	A	240,000	240,000
17	(g) Pari-mutuel racing supplemental				
18	aid	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(h) Pari-mutuel racing supplemental				
2	aid to Wisconsin livestock breeders				
3	assn.	PR	C	-0-	-0-
4	(i) Agricultural investment aids; gifts				
5	and grants	PR	C	-0-	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,024,600	1,024,600
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,024,600	1,024,600
6	(7) AGRICULTURAL RESOURCE MANAGEMENT				
7	(a) General program operations	GPR	A	1,755,200	1,776,800
8	(c) Soil and water resource				
9	management program	GPR	C	2,390,300	2,375,700
10	(d) Drainage board grants	GPR	A	750,000	750,000
11	(e) Agricultural chemical cleanup				
12	program; general fund	GPR	B	678,700	1,500,000
13	(f) Principal repayment and interest,				
14	soil and water	GPR	S	90,100	216,700
15	(g) Agricultural impact statements	PR	C	172,500	172,500
16	(ga) Related services	PR	C	108,800	108,800
17	(gb) Agricultural resource management;				
18	gifts and grants	PR	C	-0-	-0-
19	(gm) Seed testing and labeling	PR	C	70,300	70,300
20	(h) Fertilizer research assessments	PR	C	160,500	160,500
21	(ha) Liming material research funds	PR	C	25,000	25,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ja) Plant protection	PR	C	114,600	127,600
2	(k) Agricultural resource management				
3	services	PR-S	C	231,100	231,100
4	(km) Animal waste management grants	PR-S	C	100,000	100,000
5	(m) Federal funds	PR-F	C	2,130,700	2,130,700
6	(q) Gypsy moth eradication;				
7	conservation fund	SEG	A	940,000	943,800
8	(qb) Gypsy moth eradication; segregated				
9	revenues	SEG	C	216,700	220,600
10	(qc) Plant protection; conservation fund	SEG	A	75,000	81,000
11	(qd) Soil and water management;				
12	environmental fund	SEG	A	2,113,700	2,113,700
13	(r) General program operations;				
14	agricultural management	SEG	A	1,142,000	1,142,000
15	(s) Groundwater — standards;				
16	implementation	SEG	A	778,900	778,900
17	(t) Fertilizer, additives and commercial				
18	feed regulation	SEG	A	741,900	741,900
19	(u) Pesticide regulation and admin. of				
20	agricultural chemical cleanup				
21	program	SEG	A	2,207,100	2,207,100
22	(v) Chemical and container disposal	SEG	A	560,400	560,400
23	(wm) Agricultural chemical cleanup				
24	reimbursement	SEG	C	2,238,600	2,238,600

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01	
(7) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				5,664,300	6,619,200	
PROGRAM REVENUE				3,113,500	3,126,500	
FEDERAL				(2,130,700)	(2,130,700)	
OTHER				(651,700)	(664,700)	
SERVICE				(331,100)	(331,100)	
SEGREGATED FUNDS				11,014,300	11,028,000	
OTHER				(11,014,300)	(11,028,000)	
TOTAL-ALL SOURCES				19,792,100	20,773,700	
1	(8)	CENTRAL ADMINISTRATIVE SERVICES				
2	(a)	General program operations	GPR	A	4,197,600	4,162,600
3	(g)	Gifts and grants	PR	C	-0-	-0-
4	(ga)	Milk standards program	PR	C	388,100	388,100
5	(gm)	Enforcement cost recovery	PR	A	25,000	25,000
6	(h)	Sale of material and supplies	PR	C	50,600	50,600
7	(ha)	General laboratory related services	PR	C	40,000	40,000
8	(hm)	Restitution	PR	C	-0-	-0-
9	(i)	Related services	PR	A	201,200	201,200
10	(j)	Electronic processing	PR	C	-0-	-0-
11	(k)	Computer system equipment, staff				
12		and services	PR-S	A	2,019,900	1,519,900
13	(kL)	Central services	PR-S	C	698,100	698,100
14	(km)	General laboratory services	PR-S	B	2,351,500	2,351,500
15	(kp)	General laboratory services; other				
16		agencies	PR-S	C	40,100	40,100
17	(ks)	State contractual services	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kt) Information technology				
2	development projects	PR-S	A	-0-	-0-
3	(m) Federal funds	PR-F	C	40,000	40,000
4	(pz) Indirect cost reimbursements	PR-F	C	458,200	458,200
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,197,600	4,162,600
	PROGRAM REVENUE			6,312,700	5,812,700
	FEDERAL			(498,200)	(498,200)
	OTHER			(704,900)	(704,900)
	SERVICE			(5,109,600)	(4,609,600)
	TOTAL-ALL SOURCES			10,510,300	9,975,300
20.115 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			25,899,500	26,819,400
	PROGRAM REVENUE			26,088,600	25,601,600
	FEDERAL			(5,896,300)	(5,896,300)
	OTHER			(14,751,600)	(14,764,600)
	SERVICE			(5,440,700)	(4,940,700)
	SEGREGATED FUNDS			11,628,100	11,641,800
	OTHER			(11,628,100)	(11,641,800)
	TOTAL-ALL SOURCES			63,616,200	64,062,800
5	20.143 Commerce, department of				
6	(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
7	(a) General program operations	GPR	A	6,092,500	6,093,200
8	(b) Economic development promotion,				
9	plans and studies	GPR	A	120,000	120,000
10	(bm) Aid to Forward Wisconsin, inc.	GPR	A	500,000	500,000
11	(br) Brownfields grant program; general				
12	purpose revenue	GPR	A	-0-	-0-
13	(c) Wisconsin development fund;				
14	grants, loans and assistance	GPR	B	7,503,800	7,503,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cb) WI Dev. Fund; tech. & pollut.				
2	control & abatement grant & loans,				
3	assistance	GPR	B	-0-	-0-
4	(cf) Community-based nonprofit				
5	organization grant for educational				
6	project	GPR	A	-0-	-0-
7	(em) Hazardous pollution prevention;				
8	contract	GPR	A	-0-	-0-
9	(en) Business development initiative	GPR	A	150,000	150,000
10	(er) Rural economic development				
11	program	GPR	B	706,500	706,500
12	(ew) International trade, business and				
13	economic development grants	GPR	B	-0-	-0-
14	(fg) Community-based economic				
15	development programs	GPR	A	762,100	762,100
16	(fm) Minority business projects; grants				
17	and loans	GPR	B	429,200	429,200
18	(fy) Women's business incubator grant	GPR	B	-0-	-0-
19	(g) Gifts, grants and proceeds	PR	C	606,800	606,800
20	(gc) Business development assistance				
21	center	PR	C	-0-	-0-
22	(gm) Wisconsin development fund,				
23	administration of grants and loans	PR	C	107,900	107,900
24	(h) Economic development operations	PR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(hm) Certified capital companies	PR	C	-0-	-0-
2	(id) Gaming economic diversification				
3	grants and loans; repayments	PR	C	-0-	-0-
4	(ie) Wisconsin development fund,				
5	repayments	PR	C	2,500,000	2,500,000
6	(if) Mining economic development				
7	grants and loans; repayments	PR	C	-0-	-0-
8	(ig) Gaming economic development				
9	grants and loans; repayments	PR	C	-0-	-0-
10	(im) Minority business projects;				
11	repayments	PR	C	167,200	167,200
12	(in) Business development initiative				
13	loan repayments	PR	C	60,000	60,000
14	(ir) Rural economic development loan				
15	repayments	PR	C	70,100	70,100
16	(jc) Physician and health care provider				
17	loan assistance prog. repay;				
18	penalties	PR	C	-0-	-0-
19	(jL) Health care provider loan				
20	assistance program; local				
21	contributions	PR	C	-0-	-0-
22	(jm) Physician loan assistance program;				
23	local contributions	PR	C	-0-	-0-
24	(k) Sale of materials or services	PR-S	C	262,300	262,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ka) Sale of materials and services —				
2	local assistance	PR-S	C	-0-	-0-
3	(kb) Sale of materials and services —				
4	individuals and organizations	PR-S	C	-0-	-0-
5	(kc) Clean air act compliance assistance	PR-S	A	169,200	169,200
6	(kd) Brownfields grant program; federal				
7	block grant transfer	PR-S	C	5,000,000	5,000,000
8	(kf) American Indian economic				
9	development; technical assistance	PR-S	A	25,000	25,000
10	(kg) American Indian economic				
11	development; liaison	PR-S	A	50,700	50,700
12	(kh) American Indian economic				
13	development; liaison-grants	PR-S	A	25,000	25,000
14	(kj) Gaming economic development				
15	grants and loans	PR-S	A	2,500,000	3,000,000
16	(km) Gaming economic diversification				
17	grants and loans	PR-S	A	-0-	2,500,000
18	(kr) Physician and hlth. care provider				
19	loan assist. programs, repay. &				
20	contracts	PR-S	C	388,700	388,700
21	(L) Recycling market development;				
22	repayments	PR	C	1,500,000	1,500,000
23	(m) Federal aid, state operations	PR-F	C	1,293,800	1,293,800
24	(n) Federal aid, local assistance	PR-F	C	34,400,000	34,400,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(o) Federal aid, individuals and				
2	organizations	PR-F	C	-0-	-0-
3	(qa) Brownfields redevelopment				
4	activities; administration	SEG	A	268,800	268,800
5	(qm) Brownfields grant program;				
6	environmental fund	SEG	A	5,000,000	5,000,000
7	(r) Mining economic development				
8	grants and loans	SEG	C	-0-	-0-
9	(st) Recycling market development				
10	board; operations	SEG	A	180,300	180,300
11	(t) Forestry education grant program	SEG	C	100,000	100,000
12	(x) Industrial building construction				
13	loan fund	SEG	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			16,264,100	16,264,800
	PROGRAM REVENUE			49,126,700	52,126,700
	FEDERAL			(35,693,800)	(35,693,800)
	OTHER			(5,012,000)	(5,012,000)
	SERVICE			(8,420,900)	(11,420,900)
	SEGREGATED FUNDS			5,549,100	5,549,100
	OTHER			(5,549,100)	(5,549,100)
	TOTAL-ALL SOURCES			70,939,900	73,940,600
14	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
15	(a) General program operations	GPR	A	-0-	-0-
16	(de) Small sewage system replacement				
17	and rehabilitation	GPR	C	3,500,000	3,500,000
18	(dm) Storage tank inventory	GPR	A	-0-	-0-
19	(g) Gifts and grants	PR	C	18,000	18,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ga) Auxiliary services	PR	C	25,000	25,000
2	(gb) Local agreements	PR	C	-0-	-0-
3	(h) Local energy resource system fees	PR	A	-0-	-0-
4	(j) Safety and buildings operations	PR	A	16,105,800	16,183,400
5	(ka) Interagency agreements	PR-S	C	101,100	101,100
6	(ks) Data processing	PR-S	C	-0-	-0-
7	(L) Fire dues distribution	PR	C	6,500,000	6,500,000
8	(La) Fire prevention and fire dues				
9	administration	PR	A	622,900	622,900
10	(m) Federal funds	PR-F	C	621,800	621,800
11	(ma) Federal aid program administration	PR-F	C	-0-	-0-
12	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
13	(q) Groundwater standards;				
14	implementation	SEG	A	-0-	-0-
15	(r) Safety and buildings operations;				
16	petroleum inspection fund	SEG	A	6,998,200	6,998,200
17	(t) Petroleum inspection fund -				
18	revenue obligation repayment	SEG	S	-0-	-0-
19	(v) Petroleum storage environmental				
20	remedial action; awards	SEG	B	94,131,700	94,131,700
21	(w) Petroleum storage environmental				
22	remedial action; administration	SEG	A	2,619,600	2,642,600
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				3,500,000	3,500,000
PROGRAM REVENUE				23,994,600	24,072,200

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	FEDERAL			(621,800)	(621,800)
	OTHER			(23,271,700)	(23,349,300)
	SERVICE			(101,100)	(101,100)
	SEGREGATED FUNDS			103,749,500	103,772,500
	OTHER			(103,749,500)	(103,772,500)
	TOTAL-ALL SOURCES			131,244,100	131,344,700
1	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
2	(a) General program operations	GPR	A	1,701,300	1,701,900
3	(g) Gifts, grants and proceeds	PR	C	12,000	12,000
4	(k) Sale of materials or services	PR-S	C	43,100	43,100
5	(ka) Sale of materials and services —				
6	local assistance	PR-S	C	-0-	-0-
7	(kb) Sale of materials and services —				
8	individuals and organizations	PR-S	C	-0-	-0-
9	(kc) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(kd) Administrative services	PR-S	A	3,352,300	3,368,400
12	(ke) Transfer of unappropriated				
13	balances	PR-S	C	-0-	-0-
14	(m) Federal aid, state operations	PR-F	C	-0-	-0-
15	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
16	(o) Federal aid, individuals and				
17	organizations	PR-F	C	-0-	-0-
18	(pz) Indirect cost reimbursements	PR-F	C	153,200	106,300
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,701,300	1,701,900
	PROGRAM REVENUE			3,560,600	3,529,800
	FEDERAL			(153,200)	(106,300)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
OTHER			(12,000)	(12,000)
SERVICE			(3,395,400)	(3,411,500)
TOTAL-ALL SOURCES			5,261,900	5,231,700

20.143 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			21,465,400	21,466,700
PROGRAM REVENUE			76,681,900	79,728,700
FEDERAL			(36,468,800)	(36,421,900)
OTHER			(28,295,700)	(28,373,300)
SERVICE			(11,917,400)	(14,933,500)
SEGREGATED FUNDS			109,298,600	109,321,600
OTHER			(109,298,600)	(109,321,600)
TOTAL-ALL SOURCES			207,445,900	210,517,000

1 **20.144 Financial institutions, department of**

2 (1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS

3 (a) Losses on public deposits	GPR	S	-0-	-0-
4 (g) General program operations	PR	A	11,699,900	11,599,500
5 (h) Gifts, grants, settlements and				
6 publications	PR	C	65,000	65,000
7 (i) Investor education fund	PR	A	100,000	100,000
8 (u) State deposit fund	SEG	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			11,864,900	11,764,500
OTHER			(11,864,900)	(11,764,500)
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			11,864,900	11,764,500

9 (2) OFFICE OF CREDIT UNIONS

10 (g) General program operations	PR	A	1,729,200	1,772,300
11 (m) Credit union examinations, federal				
12 funds	PR-F	C	-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
(2) PROGRAM TOTALS					
PROGRAM REVENUE			1,729,200	1,772,300	
FEDERAL			(-0-)	(-0-)	
OTHER			(1,729,200)	(1,772,300)	
TOTAL-ALL SOURCES			1,729,200	1,772,300	
20.144 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			-0-	-0-	
PROGRAM REVENUE			13,594,100	13,536,800	
FEDERAL			(-0-)	(-0-)	
OTHER			(13,594,100)	(13,536,800)	
SEGREGATED FUNDS			-0-	-0-	
OTHER			(-0-)	(-0-)	
TOTAL-ALL SOURCES			13,594,100	13,536,800	
1	20.145 Insurance, office of the commissioner of				
2	(1) SUPERVISION OF THE INSURANCE INDUSTRY				
3	(c) Grant for small employer health				
4	insurance purchasing pools	GPR	A	200,000	-0-
5	(g) General program operations	PR	A	10,976,300	10,963,400
6	(gm) Gifts and grants	PR	C	-0-	-0-
7	(h) Holding company restructuring				
8	expenses	PR	C	-0-	-0-
9	(k) Administrative and support				
10	services	PR-S	A	3,797,900	3,661,600
11	(m) Federal funds	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			200,000	-0-	
PROGRAM REVENUE			14,774,200	14,625,000	
FEDERAL			(-0-)	(-0-)	
OTHER			(10,976,300)	(10,963,400)	
SERVICE			(3,797,900)	(3,661,600)	
TOTAL-ALL SOURCES			14,974,200	14,625,000	

12 (2) PATIENTS COMPENSATION FUND

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(q) Interest earned on future medical				
2	expenses	SEG	S	-0-	-0-
3	(u) Administration	SEG	A	979,400	696,700
4	(um) Peer review council	SEG	A	102,500	102,500
5	(v) Specified responsibilities, inv. board				
6	payments and future medical				
7	expenses	SEG	C	54,702,000	54,697,400
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			55,783,900	55,496,600
	OTHER			(55,783,900)	(55,496,600)
	TOTAL-ALL SOURCES			55,783,900	55,496,600
8	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
9	(u) Administration	SEG	A	647,200	669,700
10	(v) Specified payments, fire dues and				
11	reinsurance	SEG	C	9,637,200	9,637,200
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			10,284,400	10,306,900
	OTHER			(10,284,400)	(10,306,900)
	TOTAL-ALL SOURCES			10,284,400	10,306,900
12	(4) STATE LIFE INSURANCE FUND				
13	(u) Administration	SEG	A	601,800	541,200
14	(v) Specified payments and losses	SEG	C	2,980,000	2,980,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,581,800	3,521,200
	OTHER			(3,581,800)	(3,521,200)
	TOTAL-ALL SOURCES			3,581,800	3,521,200
	20.145 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			200,000	-0-
	PROGRAM REVENUE			14,774,200	14,625,000
	FEDERAL			(-0-)	(-0-)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
OTHER			(10,976,300)	(10,963,400)
SERVICE			(3,797,900)	(3,661,600)
SEGREGATED FUNDS			69,650,100	69,324,700
OTHER			(69,650,100)	(69,324,700)
TOTAL-ALL SOURCES			84,624,300	83,949,700
1 20.155 Public service commission				
2 (1) REGULATION OF PUBLIC UTILITIES				
3 (g) Utility regulation	PR	A	12,569,100	12,504,000
4 (h) Holding company and nonutility				
5 affiliate regulation	PR	C	585,000	585,000
6 (i) Mobile home park regulation				
7 20.155(1)(i)	PR	A	59,100	59,100
8 (j) Intervenor financing	PR	A	250,000	250,000
9 (L) Stray voltage program	PR	A	200,000	200,000
10 (Lb) Gifts for stray voltage program	PR	C	-0-	-0-
11 (Lm) Consumer education and awareness	PR	C	185,000	-0-
12 (m) Federal funds	PR-F	C	75,200	75,200
13 (n) Indirect costs reimbursement	PR-F	C	19,000	19,000
14 (q) Universal telecommunications				
15 service	SEG	B	6,300,000	6,000,000
	(1) PROGRAM TOTALS			
PROGRAM REVENUE			13,942,400	13,692,300
FEDERAL			(94,200)	(94,200)
OTHER			(13,848,200)	(13,598,100)
SEGREGATED FUNDS			6,300,000	6,000,000
OTHER			(6,300,000)	(6,000,000)
TOTAL-ALL SOURCES			20,242,400	19,692,300
16 (2) OFFICE OF THE COMMISSIONER OF RAILROADS				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(g) Railroad regulation and general				
2	program operations	PR	A	483,300	483,300
3	(m) Railroad regulation; federal funds	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			483,300	483,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(483,300)	(483,300)
	TOTAL-ALL SOURCES			483,300	483,300
	20.155 DEPARTMENT TOTALS				
	PROGRAM REVENUE			14,425,700	14,175,600
	FEDERAL			(94,200)	(94,200)
	OTHER			(14,331,500)	(14,081,400)
	SEGREGATED FUNDS			6,300,000	6,000,000
	OTHER			(6,300,000)	(6,000,000)
	TOTAL-ALL SOURCES			20,725,700	20,175,600
4	20.165 Regulation and licensing, department of				
5	(1) PROFESSIONAL REGULATION				
6	(g) General program operations	PR	A	9,434,900	9,461,400
7	(gm) Applicant investigation				
8	reimbursement	PR	C	180,100	180,100
9	(h) Technical assistance; nonstate				
10	agencies and organizations	PR	C	-0-	-0-
11	(i) Examinations; general program				
12	operations	PR	C	2,038,800	2,038,800
13	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
14	(m) Federal funds	PR-F	C	-0-	-0-
	20.165 DEPARTMENT TOTALS				
	PROGRAM REVENUE			11,653,800	11,680,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(11,653,800)	(11,680,300)

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			11,653,800	11,680,300
1 20.190 State fair park board				
2 (1) STATE FAIR PARK				
3 (c) Housing facilities principal				
4 repayment, interest and rebates	GPR	S	874,000	870,500
5 (d) Principal repayment and interest	GPR	S	55,800	140,200
6 (h) State fair operations	PR	A	12,472,800	12,645,100
7 (i) State fair capital expenses	PR	C	448,000	448,000
8 (j) State fair principal repayment,				
9 interest and rebates	PR	S	1,554,800	1,701,700
10 (jm) Gifts and grants	PR	C	-0-	-0-
11 (m) Federal funds	PR-F	C	-0-	-0-
20.190 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			929,800	1,010,700
PROGRAM REVENUE			14,475,600	14,794,800
FEDERAL			(-0-)	(-0-)
OTHER			(14,475,600)	(14,794,800)
TOTAL-ALL SOURCES			15,405,400	15,805,500
Commerce				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			48,494,700	49,296,800
PROGRAM REVENUE			171,693,900	174,142,800
FEDERAL			(42,459,300)	(42,412,400)
OTHER			(108,078,600)	(108,194,600)
SERVICE			(21,156,000)	(23,535,800)
SEGREGATED FUNDS			196,876,800	196,288,100
FEDERAL			(-0-)	(-0-)
OTHER			(196,876,800)	(196,288,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			417,065,400	419,727,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
Education					
1	20.215 Arts board				
2	(1) SUPPORT OF ARTS PROJECTS				
3	(a) General program operations	GPR	A	327,000	327,100
4	(b) State aid for the arts	GPR	A	1,240,500	1,240,500
5	(c) Portraits of governors	GPR	A	-0-	-0-
6	(d) Challenge grant program	GPR	A	819,800	819,800
7	(f) Wisconsin regranting program	GPR	A	150,000	150,000
8	(g) Gifts and grants; state operations	PR	C	20,000	20,000
9	(h) Gifts and grants; aids to individuals				
10	and organizations	PR	C	-0-	-0-
11	(k) Funds received from other state				
12	agencies	PR-S	C	-0-	-0-
13	(ka) Percent-for-art administration	PR-S	A	-0-	-0-
14	(kb) Information technology				
15	development projects	PR-S	A	-0-	-0-
16	(km) State aid for the arts; Indian				
17	gaming receipts	PR-S	A	25,200	25,200
18	(m) Federal grants; state operations	PR-F	C	350,100	350,100
19	(o) Federal grants; aids to individuals				
20	and organizations	PR-F	C	275,000	275,000
20.215 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,537,300	2,537,400
	PROGRAM REVENUE			670,300	670,300
	FEDERAL			(625,100)	(625,100)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01	
	OTHER			(20,000)	(20,000)	
	SERVICE			(25,200)	(25,200)	
	TOTAL-ALL SOURCES			3,207,600	3,207,700	
1	20.218 Educational broadcasting corporation					
2	(1)	EDUCATIONAL BROADCASTING				
3	(a)	Initial costs	GPR	A	50,000	50,000
4	(b)	Operational costs	GPR	A	-0-	-0-
	20.218 DEPARTMENT TOTALS					
		GENERAL PURPOSE REVENUES			50,000	50,000
		TOTAL-ALL SOURCES			50,000	50,000
5	20.225 Educational communications board					
6	(1)	INSTRUCTIONAL TECHNOLOGY				
7	(a)	General program operations	GPR	A	3,880,400	3,881,100
8	(b)	Energy costs	GPR	A	425,200	425,200
9	(c)	Principal repayment and interest	GPR	S	1,020,600	824,800
10	(d)	Milwaukee area technical college	GPR	A	330,000	330,000
11	(eg)	Transmitter construction	GPR	C	-0-	-0-
12	(er)	Transmitter operation	GPR	A	25,000	25,000
13	(f)	Programming	GPR	A	1,536,500	1,537,100
14	(g)	Gifts, grants, contracts and leases	PR	C	6,543,100	6,545,500
15	(h)	Instructional material	PR	A	310,300	310,300
16	(k)	Funds received from other state				
17		agencies	PR-S	C	-0-	-0-
18	(ka)	Information technology				
19		development projects	PR-S	A	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kb) Emergency weather warning				
2	system operation	PR-S	A	71,800	71,800
3	(m) Federal grants	PR-F	C	471,800	471,800
20.225 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			7,217,700	7,023,200
	PROGRAM REVENUE			7,397,000	7,399,400
	FEDERAL			(471,800)	(471,800)
	OTHER			(6,853,400)	(6,855,800)
	SERVICE			(71,800)	(71,800)
	TOTAL-ALL SOURCES			14,614,700	14,422,600
4	20.235 Higher educational aids board				
5	(1) STUDENT SUPPORT ACTIVITIES				
6	(b) Tuition grants	GPR	B	19,478,500	20,647,200
7	(cg) Nursing student loans	GPR	A	-0-	-0-
8	(cr) Minority teacher loans	GPR	A	240,000	240,000
9	(cu) Teacher education loan program	GPR	A	250,000	250,000
10	(d) Dental education contract	GPR	A	1,167,000	1,167,000
11	(e) Minnesota-Wisconsin student				
12	reciprocity agreement	GPR	S	-0-	-0-
13	(fc) Independent student grants				
14	program	GPR	B	-0-	-0-
15	(fd) Talent incentive grants	GPR	B	3,933,800	3,933,800
16	(fe) Wisconsin higher education grants;				
17	University of Wisconsin system				
18	students	GPR	B	18,279,500	19,376,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(ff) Wisconsin higher education grants;					
2	technical college students	GPR	B	12,454,600	13,201,900	
3	(fg) Minority undergraduate retention					
4	grants program	GPR	B	693,100	693,100	
5	(fj) Handicapped student grants	GPR	B	123,800	123,800	
6	(fy) Governor's scholarship program	GPR	S	2,900,000	2,900,000	
7	(g) Student loans	PR	A	-0-	-0-	
8	(gg) Nursing student loan repayments	PR	C	-0-	-0-	
9	(gm) Indian student assistance;					
10	contributions	PR	C	-0-	-0-	
11	(i) Gifts and grants	PR	C	-0-	-0-	
12	(k) Indian student assistance	PR-S	B	779,800	779,800	
13	(km) Wisconsin higher education grants;					
14	tribal college students	PR-S	B	400,000	400,000	
15	(no) Federal aid; aids to individuals and					
16	organizations	PR-F	C	532,700	532,700	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			59,520,300	62,533,100	
	PROGRAM REVENUE			1,712,500	1,712,500	
	FEDERAL			(532,700)	(532,700)	
	OTHER			(-0-)	(-0-)	
	SERVICE			(1,179,800)	(1,179,800)	
	TOTAL-ALL SOURCES			61,232,800	64,245,600	
17	(2) ADMINISTRATION					
18	(aa) General program operations	GPR	A	726,100	726,100	

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(bb) Student loan interest, loans sold or					
2	conveyed	GPR	S	-0-	-0-	
3	(bc) Write-off of uncollectible student					
4	loans	GPR	A	-0-	-0-	
5	(bd) Purchase of defective student loans	GPR	S	-0-	-0-	
6	(ga) Student interest payments	PR	C	1,000	1,000	
7	(gb) Student interest payments, loans					
8	sold or conveyed	PR	C	-0-	-0-	
9	(ia) Student loans; collection and					
10	administration	PR	C	-0-	-0-	
11	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-	
12	(ka) Information technology					
13	development projects	PR-S	A	-0-	-0-	
14	(n) Federal aid; state operations	PR-F	C	-0-	-0-	
15	(qa) Student loan revenue obligation					
16	repayment	SEG	C	-0-	-0-	
17	(qb) Wisconsin health education loan					
18	revenue obligation repayment	SEG	C	110,200	110,200	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			726,100	726,100	
	PROGRAM REVENUE			1,000	1,000	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(1,000)	(1,000)	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			110,200	110,200	
	OTHER			(110,200)	(110,200)	
	TOTAL-ALL SOURCES			837,300	837,300	
19	(3) SCHOOL APPROVAL					

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(g) Proprietary school programs	PR	A	360,700	362,700
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			360,700	362,700
	OTHER			(360,700)	(362,700)
	TOTAL-ALL SOURCES			360,700	362,700
	20.235 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			60,246,400	63,259,200
	PROGRAM REVENUE			2,074,200	2,076,200
	FEDERAL			(532,700)	(532,700)
	OTHER			(361,700)	(363,700)
	SERVICE			(1,179,800)	(1,179,800)
	SEGREGATED FUNDS			110,200	110,200
	OTHER			(110,200)	(110,200)
	TOTAL-ALL SOURCES			62,430,800	65,445,600
2	20.245 Historical society				
3	(1) ARCHIVES, RESEARCH AND LIBRARY SERVICES				
4	(a) General program operations;				
5	archives and research services	GPR	A	1,958,000	1,855,500
6	(am) General program operations;				
7	library services	GPR	A	2,184,800	2,287,300
8	(b) Distribution of the history of				
9	Wisconsin	GPR	C	35,000	35,000
10	(e) Principal repayment, interest and				
11	rebates	GPR	S	22,300	33,800
12	(g) Admissions, sales and other				
13	receipts	PR	C	529,200	529,200
14	(h) Gifts and grants	PR	C	146,400	146,400
15	(k) Funds received from other state				
16	agencies	PR-S	C	25,000	25,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(m) General program operations;				
2	federal funds	PR-F	C	126,900	126,900
3	(r) Endowment	SEG	C	116,100	116,100
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,200,100	4,211,600
	PROGRAM REVENUE			827,500	827,500
	FEDERAL			(126,900)	(126,900)
	OTHER			(675,600)	(675,600)
	SERVICE			(25,000)	(25,000)
	SEGREGATED FUNDS			116,100	116,100
	OTHER			(116,100)	(116,100)
	TOTAL-ALL SOURCES			5,143,700	5,155,200
4	(2) HISTORIC SITES				
5	(a) General program operations	GPR	A	336,100	336,100
6	(bd) Stonefield Village	GPR	A	198,800	198,800
7	(be) Pendarvis and First Capitol	GPR	A	160,300	160,300
8	(bf) Villa Louis	GPR	A	130,200	130,200
9	(bg) Old Wade House	GPR	A	242,500	242,500
10	(bh) Madeline Island	GPR	A	6,200	6,200
11	(bi) Old World Wisconsin	GPR	A	635,000	635,000
12	(bj) H. H. Bennett Studios	GPR	A	61,200	61,200
13	(c) Energy costs	GPR	A	93,500	93,500
14	(e) Principal repayment and interest	GPR	S	751,100	703,900
15	(g) Admissions, sales and other				
16	receipts	PR	A	2,338,800	2,732,800
17	(h) Gifts and grants	PR	C	58,000	58,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(j) Self-amortizing facilities; principal				
2	repayment, interest and rebates	PR	S	155,400	243,600
3	(k) Funds received from other state				
4	agencies	PR-S	C	-0-	-0-
5	(km) Northern great lakes center	PR-S	A	170,100	170,100
6	(m) General program operations;				
7	federal funds	PR-F	C	64,300	64,300
8	(r) Endowment	SEG	C	182,100	182,100
9	(y) Northern great lakes center;				
10	interpretive programming	SEG	A	33,700	33,700
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,614,900	2,567,700
	PROGRAM REVENUE			2,786,600	3,268,800
	FEDERAL			(64,300)	(64,300)
	OTHER			(2,552,200)	(3,034,400)
	SERVICE			(170,100)	(170,100)
	SEGREGATED FUNDS			215,800	215,800
	OTHER			(215,800)	(215,800)
	TOTAL-ALL SOURCES			5,617,300	6,052,300
11	(3) HISTORIC AND BURIAL SITES PRESERVATION				
12	(a) General program operations	GPR	A	1,170,700	1,170,700
13	(d) Historical markers; state-funded				
14	markers and plaques	GPR	A	10,000	10,000
15	(dm) Historic preservation	GPR	C	2,400	2,400
16	(g) Admissions, sales and other				
17	receipts	PR	A	7,000	7,000
18	(gm) Excavation and analysis; cataloged				
19	burial sites	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(h) Gifts and grants	PR	C	16,000	16,000
2	(k) Funds received from other state				
3	agencies	PR-S	C	-0-	-0-
4	(m) General program operations;				
5	federal funds	PR-F	C	719,800	719,800
6	(n) Federal aids	PR-F	C	-0-	-0-
7	(r) Endowment	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,183,100	1,183,100
	PROGRAM REVENUE			742,800	742,800
	FEDERAL			(719,800)	(719,800)
	OTHER			(23,000)	(23,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,925,900	1,925,900
8	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
9	(a) General program operations	GPR	A	1,873,700	1,873,700
10	(c) Energy costs	GPR	A	148,000	148,000
11	(e) Principal repayment and interest	GPR	S	-0-	-0-
12	(f) Humanities grants	GPR	B	-0-	-0-
13	(g) Admissions, sales and other				
14	receipts	PR	A	173,100	173,100
15	(h) Gifts and grants	PR	C	170,400	170,400
16	(k) General program operations -				
17	service funds	PR-S	C	359,800	359,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ka) Information technology				
2	development projects	PR-S	A	-0-	-0-
3	(m) General program operations;				
4	federal funds	PR-F	C	3,000	3,000
5	(pz) Indirect cost reimbursements	PR-F	C	95,000	95,000
6	(q) Endowment principal	SEG	C	-0-	-0-
7	(r) Endowment	SEG	C	161,400	161,400
8	(s) Transfer to Historical Society				
9	endowment fund	SEG	S	-0-	-0-
10	(t) Historical legacy program	SEG	S	-0-	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,021,700	2,021,700
	PROGRAM REVENUE			801,300	801,300
	FEDERAL			(98,000)	(98,000)
	OTHER			(343,500)	(343,500)
	SERVICE			(359,800)	(359,800)
	SEGREGATED FUNDS			161,400	161,400
	OTHER			(161,400)	(161,400)
	TOTAL-ALL SOURCES			2,984,400	2,984,400
11	(5) MUSEUM				
12	(a) General program operations	GPR	A	1,035,300	1,035,300
13	(c) Energy costs	GPR	A	98,700	98,700
14	(e) Principal repayment and interest	GPR	S	506,300	498,400
15	(g) Admissions, sales and other				
16	receipts	PR	C	331,300	331,300
17	(h) Gifts and grants	PR	C	22,200	22,200

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(k) Funds received from other state				
2	agencies	PR-S	C	1,110,400	1,110,400
3	(m) General program operations;				
4	federal funds	PR-F	C	15,300	15,300
5	(r) Endowment	SEG	C	19,600	19,600
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,640,300	1,632,400
	PROGRAM REVENUE			1,479,200	1,479,200
	FEDERAL			(15,300)	(15,300)
	OTHER			(353,500)	(353,500)
	SERVICE			(1,110,400)	(1,110,400)
	SEGREGATED FUNDS			19,600	19,600
	OTHER			(19,600)	(19,600)
	TOTAL-ALL SOURCES			3,139,100	3,131,200
20.245 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			11,660,100	11,616,500
	PROGRAM REVENUE			6,637,400	7,119,600
	FEDERAL			(1,024,300)	(1,024,300)
	OTHER			(3,947,800)	(4,430,000)
	SERVICE			(1,665,300)	(1,665,300)
	SEGREGATED FUNDS			512,900	512,900
	OTHER			(512,900)	(512,900)
	TOTAL-ALL SOURCES			18,810,400	19,249,000
6	20.250 Medical college of Wisconsin				
7	(1) TRAINING OF HEALTH PERSONNEL				
8	(a) General program operations	GPR	A	4,105,100	4,105,100
9	(b) Family medicine and practice	GPR	A	3,371,900	3,371,900
10	(d) Tobacco-related illnesses	GPR	A	500,000	500,000
11	(e) Principal repayment and interest	GPR	S	185,300	158,700
20.250 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			8,162,300	8,135,700
	TOTAL-ALL SOURCES			8,162,300	8,135,700

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	20.255 Public instruction, department of				
2	(1) EDUCATIONAL LEADERSHIP				
3	(a) General program operations	GPR	A	11,525,000	11,520,600
4	(b) General program operations;				
5	residential schools	GPR	A	9,208,800	9,208,800
6	(c) Energy costs	GPR	A	348,000	348,000
7	(d) Principal repayment and interest	GPR	S	1,109,400	1,062,100
8	(dt) Educational assessment program	GPR	A	394,100	417,400
9	(dw) Pupil assessment	GPR	A	6,299,400	9,362,400
10	(fw) Educational programming	GPR	A	-0-	-0-
11	(g) Student activity therapy	PR	A	6,500	6,500
12	(gb) Residential schools; nonresident				
13	fees	PR	C	84,000	86,000
14	(gt) Residential schools; pupil				
15	transportation	PR	A	906,300	906,300
16	(hf) Administrative leadership academy	PR	A	-0-	-0-
17	(hg) Personnel certific., teacher supply,				
18	info. and analysis and teacher				
19	improv.	PR	A	2,361,800	2,361,800
20	(hm) Services for drivers	PR	A	231,500	231,500
21	(i) Publications	PR	A	559,900	559,900
22	(im) Library products and services	PR	C	660,700	660,700
23	(jg) School lunch handling charges	PR	A	9,997,000	9,997,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(jm) Professional services center charges	PR	A	140,000	155,000	
2	(jr) Gifts, grants and trust funds	PR	C	395,000	395,000	
3	(js) State-owned housing maintenance	PR	A	7,100	7,100	
4	(jz) School district boundary appeal					
5	proceedings	PR	C	10,500	10,500	
6	(kd) Alcohol and other drug abuse					
7	program	PR-S	A	868,400	911,900	
8	(ke) Funds transferred from other state					
9	agencies; program operations	PR-S	C	1,280,000	1,279,900	
10	(km) State agency library processing					
11	center	PR-S	A	63,500	63,500	
12	(ks) Data processing	PR-S	C	1,715,900	1,716,000	
13	(kt) Information technology					
14	development projects	PR-S	A	-0-	-0-	
15	(me) Federal aids; program operations	PR-F	C	18,365,400	18,365,400	
16	(pz) Indirect cost reimbursements	PR-F	C	1,052,300	1,052,300	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			28,884,700	31,919,300	
	PROGRAM REVENUE			38,705,800	38,766,300	
	FEDERAL			(19,417,700)	(19,417,700)	
	OTHER			(15,360,300)	(15,377,300)	
	SERVICE			(3,927,800)	(3,971,300)	
	TOTAL-ALL SOURCES			67,590,500	70,685,600	
17	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
18	(ac) General equalization aids	GPR	S	3,756,268,300	3,938,224,200	

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(b) Aids for special education and				
2	school age parents programs	GPR	A	275,548,700	275,548,700
3	(bc) Aid for children-at-risk programs	GPR	A	3,500,000	3,500,000
4	(bh) Aid to county children with				
5	disabilities education boards	GPR	A	2,316,300	2,316,300
6	(bi) Additional aid for county				
7	handicapped children's education				
8	boards	GPR	A	-0-	-0-
9	(br) Aid for special education				
10	transportation	GPR	A	-0-	-0-
11	(c) Grants for smoking prevention				
12	programs	GPR	A	500,000	500,000
13	(cc) Bilingual-bicultural education aids	GPR	A	8,291,400	8,291,400
14	(cg) Tuition payments; full-time open				
15	enrollment transfer payments	GPR	A	7,974,900	8,373,600
16	(cm) Grants for school breakfast				
17	programs	GPR	C	150,000	150,000
18	(cn) Aids for school lunches and				
19	nutritional improvement	GPR	A	4,363,700	4,371,100
20	(cp) Wisconsin morning milk program	GPR	A	671,400	710,600
21	(cr) Aid for pupil transportation	GPR	A	17,742,500	17,742,500
22	(cu) Achievement guarantee contracts	GPR	A	13,745,000	23,774,400
23	(cv) Achievement guarantee contracts;				
24	supplement	GPR	A	4,739,000	4,739,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cw) Aid for trans. to instit. of higher				
2	education; part-time open				
3	enrollment	GPR	A	20,000	20,000
4	(cy) Aid for transportation; full-time				
5	open enrollment	GPR	A	500,000	500,000
6	(dm) Grants for alcohol & other drug				
7	abuse prevention & intervention				
8	programs	GPR	A	4,520,000	4,520,000
9	(do) Grants for preschool to grade 5				
10	programs	GPR	A	7,003,500	7,003,500
11	(ec) Aid to Milwaukee public schools;				
12	general purpose revenue	GPR	A	430,000	430,000
13	(em) Driver education; local assistance	GPR	A	4,493,700	4,493,700
14	(fg) Aid for cooperative educational				
15	service agencies	GPR	A	300,000	300,000
16	(fk) Grant program for peer review and				
17	mentoring	GPR	A	1,000,000	1,000,000
18	(fL) Grants for staff development	GPR	A	500,000	1,000,000
19	(fm) Charter schools	GPR	S	5,850,000	12,420,000
20	(fu) Milwaukee parental choice program	GPR	S	38,339,600	48,801,500
21	(k) Funds transferred from other state				
22	agencies; local aids	PR-S	C	8,145,200	8,145,200
23	(kd) Aid for alcohol and other drug				
24	abuse programs	PR-S	A	1,427,100	1,498,600

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kh) Head start supplement	PR-S	C	9,900,000	9,900,000
2	(km) Alternative school American Indian				
3	language and culture education aid	PR-S	A	198,000	203,000
4	(kp) Aid to Milwaukee public schools;				
5	federal block grant aids	PR-S	A	7,570,000	7,570,000
6	(m) Federal aids; local aid	PR-F	C	326,110,700	326,110,700
7	(q) General equalization aids; property				
8	tax relief fund	SEG	S	-0-	-0-
9	(s) School library aids	SEG	A	14,300,000	14,300,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,158,768,000	4,368,730,500
	PROGRAM REVENUE			353,351,000	353,427,500
	FEDERAL			(326,110,700)	(326,110,700)
	SERVICE			(27,240,300)	(27,316,800)
	SEGREGATED FUNDS			14,300,000	14,300,000
	OTHER			(14,300,000)	(14,300,000)
	TOTAL-ALL SOURCES			4,526,419,000	4,736,458,000
10	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
11	(c) National teacher certification	GPR	S	50,000	112,500
12	(d) Elks and Easter Seals center for				
13	respite and recreation	GPR	A	50,000	50,000
14	(e) Aid to public library systems	GPR	A	13,249,800	13,249,800
15	(ea) Library service contracts	GPR	A	973,700	973,700
16	(ec) Wisconsin geography alliance	GPR	A	50,000	50,000
17	(eg) Milwaukee public museum	GPR	A	50,000	50,000
18	(fa) Very special arts	GPR	A	75,000	75,000
19	(fg) Special olympics	GPR	A	75,000	75,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(fz) Minority group pupil scholarships	GPR	A	1,050,000	1,050,000
2	(mm) Federal funds; local assistance	PR-F	C	1,115,000	1,115,000
3	(ms) Federal funds; individuals and				
4	organizations	PR-F	C	38,746,400	38,292,900
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			15,623,500	15,686,000
	PROGRAM REVENUE			39,861,400	39,407,900
	FEDERAL			(39,861,400)	(39,407,900)
	TOTAL-ALL SOURCES			55,484,900	55,093,900
20.255 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			4,203,276,200	4,416,335,800
	PROGRAM REVENUE			431,918,200	431,601,700
	FEDERAL			(385,389,800)	(384,936,300)
	OTHER			(15,360,300)	(15,377,300)
	SERVICE			(31,168,100)	(31,288,100)
	SEGREGATED FUNDS			14,300,000	14,300,000
	OTHER			(14,300,000)	(14,300,000)
	TOTAL-ALL SOURCES			4,649,494,400	4,862,237,500
5	20.275 Technology for educational achievement in Wisconsin board				
6	(1) EDUCATIONAL TECHNOLOGY				
7	(a) General program operations	GPR	A	676,100	676,100
8	(b) Foreign language instruction				
9	grants	GPR	A	-0-	350,000
10	(d) Pioneering partners grants	GPR	A	-0-	-0-
11	(er) Principal, interest & rebates;				
12	general purpose rev. - public				
13	library boards	GPR	S	278,800	633,100
14	(es) Principal, interest and rebates;				
15	general purpose revenue - school				
16	districts	GPR	S	2,942,300	4,711,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(et) Educational technology training &				
2	technical assistance grants	GPR	B	4,500,000	4,500,000
3	(f) Educational technology block				
4	grants	GPR	A	35,000,000	35,000,000
5	(g) Gifts and grants	PR	C	-0-	-0-
6	(gm) Wisconsin advanced				
7	telecommunications foundation				
8	services	PR	C	141,000	150,100
9	(h) Principal, interest and rebates;				
10	program revenue – school districts	PR	C	2,942,300	4,711,600
11	(hb) Principal, interest & rebates;				
12	program revenue – public library				
13	boards	PR	C	278,800	633,100
14	(L) Equipment purchases and leases	PR	C	-0-	-0-
15	(m) Federal aid	PR-F	C	-0-	-0-
16	(s) Telecommunications access; school				
17	districts	SEG	B	7,354,200	8,891,400
18	(t) Telecommunications access; private				
19	and technical colleges and libraries	SEG	B	2,610,100	2,937,800
20	(tm) Telecommunications access; private				
21	schools	SEG	B	976,700	1,651,300
22	(tr) Institutional assistance support	SEG	B	67,200	9,100
23	(tu) Telecommunications access; state				
24	schools	SEG	B	55,200	55,200

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(u) Educational technology aid	SEG	A	5,000,000	5,000,000
20.275 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			43,397,200	45,870,800
	PROGRAM REVENUE			3,362,100	5,494,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(3,362,100)	(5,494,800)
	SEGREGATED FUNDS			16,063,400	18,544,800
	OTHER			(16,063,400)	(18,544,800)
	TOTAL-ALL SOURCES			62,822,700	69,910,400
2	20.285 University of Wisconsin system				
3	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
4	(a) General program operations	GPR	A	752,001,000	760,400,200
5	(ab) Student aid	GPR	A	1,315,300	1,315,300
6	(am) Distinguished professorships	GPR	A	700,000	700,000
7	(as) Industrial and economic				
8	development research	GPR	A	1,502,800	1,502,800
9	(b) Area health education centers	GPR	A	804,300	804,300
10	(bm) Fee remissions	GPR	A	30,000	30,000
11	(c) Energy costs	GPR	A	42,267,000	42,267,000
12	(cg) Driver education teachers	GPR	C	60,900	60,900
13	(cm) Educational technology	GPR	A	6,376,300	6,376,300
14	(d) Principal repayment and interest	GPR	S	77,114,100	75,137,400
15	(da) Lease rental payments	GPR	S	-0-	-0-
16	(db) Self-amortizing facilities principal				
17	and interest	GPR	S	-0-	-0-
18	(ee) Environmental educational grants	GPR	A	200,000	200,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(em) Schools of business	GPR	A	1,425,500	1,425,500
2	(fc) Department of family medicine and				
3	practice	GPR	A	6,995,500	6,995,500
4	(fd) State laboratory of hygiene; general				
5	program operations	GPR	A	6,864,600	6,924,600
6	(fh) State laboratory of hygiene;				
7	principal repayment and interest	GPR	S	-0-	-0-
8	(fm) Laboratories	GPR	A	4,187,500	4,187,500
9	(ft) Wisconsin humanities council	GPR	A	50,000	50,000
10	(fu) Educational programming	GPR	A	-0-	-0-
11	(g) Physical plant service departments	PR	C	-0-	-0-
12	(ga) Surplus auxiliary funds	PR	C	-0-	-0-
13	(gr) Center for urban land economics				
14	research	PR	A	175,000	175,000
15	(h) Auxiliary enterprises	PR	C	375,826,000	388,027,300
16	(ha) Stores	PR	C	8,700,400	8,700,400
17	(hm) Extension outreach	PR	C	184,900	184,900
18	(i) State laboratory of hygiene	PR	C	17,897,100	18,094,300
19	(ia) State laboratory of hygiene, drivers	PR	C	872,700	677,700
20	(ih) State laboratory of hygiene;				
21	principal repayment and interest	PR	S	-0-	-0-
22	(im) Academic student fees	PR	C	441,150,200	450,375,500
23	(ip) Extension student fees	PR	C	7,853,000	7,853,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(iz) General operations receipts	PR	C	77,317,300	77,868,300
2	(j) Gifts and donations	PR	C	260,138,200	276,147,100
3	(ja) Gifts; student loans	PR	C	3,398,600	3,398,600
4	(jm) Distinguished professorships	PR	C	440,700	440,700
5	(jp) License plate scholarship programs	PR	C	-0-	-0-
6	(k) Funds transferred from other state				
7	agencies	PR-S	C	-0-	-0-
8	(ka) Sale of real property	PR	C	-0-	-0-
9	(kb) Great Lakes studies	PR-S	A	32,000	32,000
10	(kc) Information technology				
11	development projects	PR-S	A	-0-	-0-
12	(kd) Principal repayment, interest and				
13	rebates	PR-S	S	25,858,600	30,629,000
14	(ke) Lease rental payments	PR-S	S	-0-	-0-
15	(km) Aquaculture demonstration facility;				
16	principal repayment and interest	PR-S	A	-0-	-0-
17	(kn) Aquaculture demonstration facility;				
18	operational costs	PR-S	A	-0-	-0-
19	(kp) Student-related activities	PR-S	C	-0-	-0-
20	(Lm) Laboratories	PR	A	4,405,400	4,405,400
21	(Ls) Schools of business	PR	A	592,300	592,300
22	(m) Federal aid	PR-F	C	336,412,400	336,412,400
23	(ma) Federal aid; loans and grants	PR-F	C	188,996,600	188,996,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(n) Federal indirect cost					
2	reimbursement	PR-F	C	74,846,800	74,846,800	
3	(q) Telecommunications services	SEG	A	864,000	864,000	
4	(r) Environmental education;					
5	environmental assessments	SEG	C	30,000	30,000	
6	(rc) Environmental education; forestry	SEG	A	200,000	200,000	
7	(tb) Extension recycling education	SEG	A	324,100	324,100	
8	(tm) Solid waste research and					
9	experiments	SEG	A	203,300	203,300	
10	(u) Trust fund income	SEG	C	21,718,900	23,502,000	
11	(w) Trust fund operations	SEG	C	-0-	-0-	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			901,894,800	908,377,300	
	PROGRAM REVENUE			1,825,098,200	1,867,857,300	
	FEDERAL			(600,255,800)	(600,255,800)	
	OTHER			(1,198,951,800)	(1,236,940,500)	
	SERVICE			(25,890,600)	(30,661,000)	
	SEGREGATED FUNDS			23,340,300	25,123,400	
	OTHER			(23,340,300)	(25,123,400)	
	TOTAL-ALL SOURCES			2,750,333,300	2,801,358,000	
12	(3) UNIVERSITY SYSTEM ADMINISTRATION					
13	(a) General program operations	GPR	A	9,267,400	9,267,400	
14	(iz) General operations receipts	PR	C	242,400	242,400	
15	(ka) Information technology					
16	development projects; system					
17	administration	PR-S	A	-0-	-0-	

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Federal indirect cost				
2	reimbursement	PR-F	C	1,723,900	1,723,900
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,267,400	9,267,400
	PROGRAM REVENUE			1,966,300	1,966,300
	FEDERAL			(1,723,900)	(1,723,900)
	OTHER			(242,400)	(242,400)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			11,233,700	11,233,700
3	(4) MINORITY AND DISADVANTAGED PROGRAMS				
4	(a) Minority and disadvantaged				
5	programs	GPR	A	7,605,400	8,081,600
6	(b) Graduate student financial aid	GPR	A	4,065,500	4,065,500
7	(dd) Lawton minority undergraduate				
8	grants program	GPR	A	2,406,900	2,406,900
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,077,800	14,554,000
	TOTAL-ALL SOURCES			14,077,800	14,554,000
9	(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
10	(a) General program operations	GPR	A	633,900	633,900
11	(h) Auxiliary enterprises	PR	A	31,533,200	32,355,700
12	(i) Nonincome sports	PR	C	327,600	327,600
13	(j) Gifts and grants	PR	C	5,914,800	5,914,800
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			633,900	633,900
	PROGRAM REVENUE			37,775,600	38,598,100
	OTHER			(37,775,600)	(38,598,100)
	TOTAL-ALL SOURCES			38,409,500	39,232,000
14	(6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) Services received from authority	GPR	A	3,845,600	3,845,600
2	(g) Services provided to authority	PR	C	27,392,300	27,392,300
(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,845,600	3,845,600
	PROGRAM REVENUE			27,392,300	27,392,300
	OTHER			(27,392,300)	(27,392,300)
	TOTAL-ALL SOURCES			31,237,900	31,237,900
20.285 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			929,719,500	936,678,200
	PROGRAM REVENUE			1,892,232,400	1,935,814,000
	FEDERAL			(601,979,700)	(601,979,700)
	OTHER			(1,264,362,100)	(1,303,173,300)
	SERVICE			(25,890,600)	(30,661,000)
	SEGREGATED FUNDS			23,340,300	25,123,400
	OTHER			(23,340,300)	(25,123,400)
	TOTAL-ALL SOURCES			2,845,292,200	2,897,615,600
3	20.292 Technical college system, board of				
4	(1) TECHNICAL COLLEGE SYSTEM				
5	(a) General program operations	GPR	A	3,067,400	3,067,500
6	(am) Fee remissions	GPR	A	15,000	15,000
7	(b) Displaced homemakers' program	GPR	A	851,700	851,700
8	(bm) Workplace literacy resource center	GPR	A	-0-	-0-
9	(c) Minority student participation and				
10	retention grants	GPR	A	617,000	617,000
11	(ce) Basic skills grants	GPR	A	-0-	-0-
12	(d) State aid for technical colleges;				
13	statewide guide	GPR	A	113,530,000	113,530,000
14	(dc) Incentive grants	GPR	C	7,888,100	7,888,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(dd) Farm training program tuition				
2	grants	GPR	A	150,000	150,000
3	(de) Services for handicapped students;				
4	local assistance	GPR	A	400,000	400,000
5	(dm) Aid for special collegiate transfer				
6	programs	GPR	A	1,124,300	1,124,300
7	(e) Technical college instructor				
8	occupational competency program	GPR	A	71,300	71,300
9	(eg) Faculty development grants	GPR	A	832,000	832,000
10	(em) Apprenticeship curriculum				
11	development	GPR	A	75,000	75,000
12	(er) Printing program	GPR	A	250,000	250,000
13	(f) Alcohol and other drug abuse				
14	prevention and intervention	GPR	A	525,000	525,000
15	(fc) Driver education, local assistance	GPR	A	322,000	322,000
16	(fg) Chauffeur training grants	GPR	C	200,000	200,000
17	(fm) Supplemental aid	GPR	A	1,500,000	1,500,000
18	(fp) Emergency medical technician -				
19	basic training; state operations	GPR	A	193,500	193,500
20	(g) Text materials	PR	A	123,000	123,000
21	(gm) Fire schools; state operations	PR	A	279,200	279,200
22	(gr) Fire schools; local assistance	PR	A	500,000	500,000
23	(gt) Telecommunications retraining	PR	C	300,000	300,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(h) Gifts and grants	PR	C	20,600	20,600
2	(i) Conferences	PR	C	85,900	85,900
3	(j) Personnel certification	PR	A	214,000	214,000
4	(k) Gifts and grants	PR	C	30,200	30,200
5	(ka) Interagency projects; local				
6	assistance	PR-S	A	3,414,700	3,414,700
7	(kb) Interagency projects; state				
8	operations	PR-S	A	742,700	742,700
9	(kc) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(L) Services for district boards	PR	A	150,600	150,600
12	(m) Federal aid, state operations	PR-F	C	2,885,500	2,886,900
13	(n) Federal aid, local assistance	PR-F	C	26,374,300	26,374,300
14	(o) Federal aid, aids to individuals and				
15	organizations	PR-F	C	400,000	400,000
16	(pz) Indirect cost reimbursements	PR-F	C	166,000	166,000

20.292 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	131,612,300	131,612,400
PROGRAM REVENUE	35,686,700	35,688,100
FEDERAL	(29,825,800)	(29,827,200)
OTHER	(1,703,500)	(1,703,500)
SERVICE	(4,157,400)	(4,157,400)
TOTAL-ALL SOURCES	167,299,000	167,300,500

Education**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	5,397,879,000	5,623,119,200
PROGRAM REVENUE	2,379,978,300	2,425,864,100
FEDERAL	(1,019,849,200)	(1,019,397,100)
OTHER	(1,295,970,900)	(1,337,418,400)
SERVICE	(64,158,200)	(69,048,600)

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
SEGREGATED FUNDS			54,326,800	58,591,300
FEDERAL			(-0-)	(-0-)
OTHER			(54,326,800)	(58,591,300)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			7,832,184,100	8,107,574,600

Environmental Resources

1	20.320 Environmental improvement program			
2	(1) CLEAN WATER FUND PROGRAM OPERATIONS			
3	(a) Environmental aids — clean water			
4	fund program	GPR	A	-0- -0-
5	(c) Principal repayment and			
6	interest — clean water fund			
7	program	GPR	S	29,139,100 32,440,600
8	(r) Clean water fund program			
9	repayment of revenue obligations	SEG	S	-0- -0-
10	(s) Clean water fund program financial			
11	assistance	SEG	S	-0- -0-
12	(sm) Land recycling loan program			
13	financial assistance	SEG	S	-0- -0-
14	(t) Principal repayment and			
15	interest — clean water fund			
16	program bonds	SEG	A	4,000,000 4,000,000
17	(u) Principal repay. & interest - clean			
18	water fd. prog. rev. obligation repay.	SEG	C	-0- -0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(x) Clean water fund program financial				
2	assistance; federal	SEG-F	C	-0-	-0-
3	(y) Clean water fund program federal				
4	financial hardship assistance	SEG-F	C	-0-	-0-
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			29,139,100	32,440,600
	SEGREGATED FUNDS			4,000,000	4,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(4,000,000)	(4,000,000)
	TOTAL-ALL SOURCES			33,139,100	36,440,600
5	(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
6	(c) Principal repayment and				
7	interest — safe drinking water loan				
8	program	GPR	S	331,800	331,800
9	(s) Safe drinking water loan programs				
10	financial assistance	SEG	S	-0-	-0-
11	(x) Safe drinking water loan programs				
12	financial assistance; federal	SEG-F	C	-0-	-0-
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			331,800	331,800
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			331,800	331,800
13	(3) PRIVATE SEWAGE SYSTEM PROGRAM				
14	(q) Private sewage system loans	SEG	A	3,000,000	-0-
	(3) P R O G R A M T O T A L S				
	SEGREGATED FUNDS			3,000,000	-0-
	OTHER			(3,000,000)	(-0-)
	TOTAL-ALL SOURCES			3,000,000	-0-

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
2 0 . 3 2 0 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			29,470,900	32,772,400
SEGREGATED FUNDS			7,000,000	4,000,000
FEDERAL			(-0-)	(-0-)
OTHER			(7,000,000)	(4,000,000)
TOTAL-ALL SOURCES			36,470,900	36,772,400

1 **20.360 Lower Wisconsin state riverway board**

2 (1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY

3 (g) Gifts and grants PR C -0- -0-

4 (ka) Information technology

5 development projects PR-S A -0- -0-

6 (q) General program operations —

7 conservation fund SEG A 125,600 125,600

2 0 . 3 6 0 D E P A R T M E N T T O T A L S				
PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			125,600	125,600
OTHER			(125,600)	(125,600)
TOTAL-ALL SOURCES			125,600	125,600

8 **20.370 Natural resources, department of**

9 (1) LAND

10 (cq) Forestry — reforestation SEG C 100,000 100,000

11 (cr) Forestry — recording fees SEG C 50,000 50,000

12 (cs) Forestry — forest fire emergencies SEG C -0- -0-

13 (ct) Timber sales contracts - repair and

14 reimbursement costs SEG C -0- -0-

15 (ea) Parks — general program

16 operations GPR A 4,990,500 4,990,500

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(eq) Parks and forests - operation and				
2	maintenance	SEG	S	-0-	-0-
3	(er) Parks and forests - recycling				
4	activities	SEG	A	-0-	-0-
5	(fb) Endangered resources — general				
6	program operations	GPR	A	-0-	-0-
7	(fc) Endangered resources — Wisconsin				
8	stewardship program	GPR	A	-0-	-0-
9	(fd) Endangered resources — natural				
10	heritage inventory program	GPR	A	233,700	233,700
11	(fe) Endangered resources — general				
12	fund	GPR	S	500,000	500,000
13	(fs) Endangered resources — voluntary				
14	payments; sales, leases and fees	SEG	C	1,070,000	1,066,000
15	(ft) Endangered resources —				
16	application fees	SEG	C	-0-	-0-
17	(gr) Endangered resources program —				
18	gifts and grants	SEG	C	-0-	-0-
19	(hk) Elk management	PR-S	A	-0-	250,000
20	(hr) Pheasant restoration	SEG	C	469,400	469,400
21	(ht) Wild turkey restoration	SEG	C	212,200	212,200
22	(hu) Wetlands habitat improvement	SEG	C	338,400	338,400
23	(it) Atlas revenues	SEG	C	-0-	-0-
24	(iu) Gravel pit reclamation	SEG	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(jr) Rental property and equipment —				
2	maintenance and replacement	SEG	C	-0-	-0-
3	(kq) Taxes and assessments —				
4	conservation fund	SEG	A	300,000	300,000
5	(Lq) Trapper education program	SEG	C	29,100	29,100
6	(Lr) Beaver control; fish and wildlife				
7	account	SEG	C	36,600	36,600
8	(Ls) Control of wild animals	SEG	C	170,400	170,400
9	(ma) General program operations —				
10	state funds	GPR	A	594,600	594,600
11	(mg) General program operations —				
12	endangered resources	PR	C	-0-	-0-
13	(mi) General program operations —				
14	private and public sources	PR	C	443,800	443,800
15	(mk) General program operations —				
16	service funds	PR-S	C	429,000	429,000
17	(mq) General program operations —				
18	state snowmobile trails and areas	SEG	A	84,400	84,400
19	(ms) General program operations —				
20	state all-terrain vehicle projects	SEG	A	60,000	60,000
21	(mt) Land preservation and				
22	management - endowment fund	SEG	S	-0-	-0-
23	(mu) General program operations —				
24	state funds	SEG	A	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	Land program management	SEG	A	4,325,100	4,354,000	
2	Wildlife management	SEG	A	8,327,800	8,352,800	
3	Forestry	SEG	A	29,047,500	28,831,400	
4	Southern forests	SEG	A	3,999,300	3,974,000	
5	Parks and recreation	SEG	A	7,502,800	7,559,300	
6	Facilities and lands	SEG	A	4,877,800	4,802,800	
	NET APPROPRIATION			58,080,300	57,874,300	
7	(my) General program operations —					
8	federal funds	SEG-F	C	-0-	-0-	
9	Wildlife management	SEG-F	C	3,494,100	3,494,100	
10	Forestry	SEG-F	C	372,400	372,400	
11	Southern forests	SEG-F	C	123,700	123,700	
12	Parks and recreation	SEG-F	C	581,100	581,100	
13	Endangered resources	SEG-F	C	496,500	496,500	
14	Facilities and lands	SEG-F	C	1,672,200	1,672,200	
	NET APPROPRIATION			6,740,000	6,740,000	
15	(mz) Forest fire emergencies — federal					
16	funds	SEG-F	C	-0-	-0-	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			6,318,800	6,318,800	
	PROGRAM REVENUE			872,800	1,122,800	
	OTHER			(443,800)	(443,800)	
	SERVICE			(429,000)	(679,000)	
	SEGREGATED FUNDS			67,740,800	67,530,800	
	FEDERAL			(6,740,000)	(6,740,000)	
	OTHER			(61,000,800)	(60,790,800)	
	TOTAL-ALL SOURCES			74,932,400	74,972,400	

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(2) AIR AND WASTE				
2	(bg) Air management — stationary				
3	sources	PR	A	8,998,000	8,966,100
4	(bi) Air management — asbestos				
5	management	PR	C	327,400	289,400
6	(bq) Air management — vapor recovery				
7	administration	SEG	A	67,300	67,300
8	(br) Air management — mobile sources	SEG	A	1,287,000	1,287,000
9	(cf) Air management - motor veh.				
10	emission inspection & maint. prog.,				
11	state funds	GPR	A	64,300	64,300
12	(cg) Air management — recovery of				
13	ozone-depleting refrigerants	PR	A	125,800	125,800
14	(ch) Air management — emission				
15	analysis	PR	C	-0-	-0-
16	(ci) Air management — permit review				
17	and enforcement	PR	A	1,245,900	1,245,900
18	(cL) Air management - air waste				
19	management-incinerator operator				
20	certification	PR	C	-0-	-0-
21	(da) Waste tire removal and recovery				
22	programs; program activities	GPR	S	-0-	-0-
23	(dg) Solid waste management — solid				
24	and hazardous waste disposal				
25	administration	PR	C	2,103,000	2,103,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(dh) Solid waste				
2	management-remediated property	PR	C	726,600	726,600
3	(di) Solid waste management —				
4	operator certification	PR	C	-0-	-0-
5	(dq) Solid waste management — waste				
6	management fund	SEG	C	-0-	-0-
7	(dt) Solid waste management — closure				
8	and long-term care	SEG	C	-0-	-0-
9	(dv) Solid waste management —				
10	environmental repair; spills;				
11	abandoned containers	SEG	C	3,321,300	3,321,300
12	(dw) Solid waste management —				
13	environmental repair; petroleum				
14	spills; admin.	SEG	A	237,600	237,600
15	(dy) Solid waste mgt. — corrective				
16	action; proofs of financial				
17	responsibility	SEG	C	-0-	-0-
18	(dz) Solid waste management -				
19	assessments and legal action	SEG	C	-0-	-0-
20	(eg) Solid waste facility siting board fee	PR	C	-0-	-0-
21	(eh) Solid waste management — source				
22	reduction review	PR	C	-0-	-0-
23	(eq) Solid waste management - dry				
24	cleaner environmental response	SEG	A	103,600	103,600
25	(fq) Indemnification agreements	SEG	S	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gh) Mining — mining regulation and				
2	administration	PR	A	60,900	60,900
3	(gr) Solid waste management — mining				
4	programs	SEG	C	-0-	-0-
5	(hq) Recycling; administration	SEG	A	876,600	376,600
6	(ma) General program operations —				
7	state funds	GPR	A	2,939,100	2,938,800
8	(mi) General program operations —				
9	private and public sources	PR	C	-0-	-0-
10	(mk) General program operations —				
11	service funds	PR-S	C	100,000	100,000
12	(mm) General program operations —				
13	federal funds	PR-F	C	5,950,600	5,950,600
14	(mq) General program operations -				
15	environmental fund	SEG	A	3,981,400	3,901,400
16	(mu) Petroleum inspection fd. suppl. to				
17	env. fd.; env. repair and well comp.	SEG	A	1,149,400	1,049,400
18	(my) General program operations —				
19	environmental fund; federal funds	SEG-F	C	1,328,100	1,328,100
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,003,400	3,003,100
	PROGRAM REVENUE			19,638,200	19,568,300
	FEDERAL			(5,950,600)	(5,950,600)
	OTHER			(13,587,600)	(13,517,700)
	SERVICE			(100,000)	(100,000)
	SEGREGATED FUNDS			12,352,300	11,672,300
	FEDERAL			(1,328,100)	(1,328,100)
	OTHER			(11,024,200)	(10,344,200)
	TOTAL-ALL SOURCES			34,993,900	34,243,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(3) ENFORCEMENT AND SCIENCE				
2	(ad) Law enforcement - car killed deer;				
3	general fund	GPR	A	286,000	314,600
4	(ak) Law enforcement - snowmobile				
5	enforcement and safety training;				
6	service funds	PR-S	A	750,000	750,000
7	(aq) Law enforcement — snowmobile				
8	enforcement and safety training	SEG	A	1,500	63,800
9	(ar) Law enforcement — boat				
10	enforcement and safety training	SEG	A	1,949,700	1,949,900
11	(as) Law enforcement — all-terrain				
12	vehicle enforcement	SEG	A	190,600	190,600
13	(at) Education and safety programs	SEG	C	226,000	226,000
14	(au) Natural resources law violation				
15	hotline	SEG	C	-0-	-0-
16	(aw) Law enforcement — car kill deer	SEG	A	286,000	314,600
17	(bg) Enforcement — stationary sources	PR	A	69,900	69,900
18	(dg) Environmental impact —				
19	consultant services; printing and				
20	postage costs	PR	C	-0-	-0-
21	(dh) Environmental impact — power				
22	projects	PR	C	181,000	181,000
23	(di) Environmental consulting costs —				
24	federal power projects	PR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(fj) Environmental quality - lab.				
2	certification	PR	A	539,100	539,100
3	(is) Lake research; voluntary				
4	contributions	SEG	C	34,000	34,000
5	(ma) General program operations —				
6	state funds	GPR	A	5,038,200	5,032,200
7	(mi) General program operations —				
8	private and public sources	PR	C	386,900	386,900
9	(mk) General program operations —				
10	service funds	PR-S	C	486,200	486,200
11	(mm) General program operations —				
12	federal funds	PR-F	C	439,900	439,900
13	(mq) General program operations —				
14	environmental fund	SEG	A	1,091,000	1,102,500
15	(mr) Recycling; enforcement and				
16	research	SEG	A	101,300	101,300
17	(ms) General program operations -				
18	pollution prevention	SEG	A	55,600	55,600
19	(mt) General program operations,				
20	nonpoint source — environmental				
21	fund	SEG	A	356,900	356,900
22	(mu) General program operations —				
23	state funds	SEG	A	14,558,500	14,600,700

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(mv) Aquatic and terrestrial resources				
2	inventory	SEG	A	99,800	129,800
3	(my) General program operations —				
4	federal funds	SEG-F	C	5,261,200	5,261,200
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,324,200	5,346,800
	PROGRAM REVENUE			2,853,000	2,853,000
	FEDERAL			(439,900)	(439,900)
	OTHER			(1,176,900)	(1,176,900)
	SERVICE			(1,236,200)	(1,236,200)
	SEGREGATED FUNDS			24,212,100	24,386,900
	FEDERAL			(5,261,200)	(5,261,200)
	OTHER			(18,950,900)	(19,125,700)
	TOTAL-ALL SOURCES			32,389,300	32,586,700
5	(4) WATER				
6	(af) Water resources - remedial action	GPR	C	150,000	150,000
7	(ag) Water resources - pollution credits	PR	C	-0-	-0-
8	(ah) Water resources - Great Lakes				
9	protection fund	PR	C	229,000	229,000
10	(aq) Water resources management -				
11	lake and river management	SEG	A	1,832,500	1,869,500
12	(ar) Water resources - groundwater				
13	management	SEG	B	125,000	125,000
14	(as) Water resources - trading water				
15	pollution credits	SEG	C	50,000	50,000
16	(at) Watershed - nonpoint source				
17	contracts	SEG	B	1,079,300	1,079,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(au) Cooperative remedial action;				
2	contributions	SEG	C	-0-	-0-
3	(av) Cooperative remedial action;				
4	interest on contributions	SEG	S	-0-	-0-
5	(bg) Water regulation and zoning -				
6	computer access fees	PR	C	-0-	50,000
7	(bh) Water regulation and zoning - dam				
8	inspect. and safety administ.; gen.				
9	fund	PR	A	-0-	-0-
10	(bi) Water regulation and zoning - fees	PR	C	374,800	374,800
11	(bj) Storm water management - fees	PR	A	406,900	404,100
12	(bL) Wastewater management - fees	PR	C	221,500	221,500
13	(br) Water reg. & zoning — dam safety				
14	& wetland mapping; conservation				
15	fund	SEG	A	501,000	501,000
16	(kk) Fishery resources for ceded				
17	territories	PR-S	A	109,700	109,700
18	(ku) Great Lakes trout and salmon	SEG	C	1,099,900	1,099,900
19	(kv) Trout habitat improvement	SEG	C	1,088,100	1,088,100
20	(ma) General program operations - state				
21	funds	GPR	A	-0-	-0-
22	Watershed management	GPR	A	9,109,300	9,130,400
23	Fisheries management and habitat				
24	protection	GPR	A	3,330,000	3,341,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	Drinking water and groundwater	GPR	A	3,518,200	3,518,200
2	Water integration team	GPR	A	398,400	398,400
3	Water program management	GPR	A	2,890,500	2,831,800
	NET APPROPRIATION			19,246,400	19,219,900
4	(mi) General program operations -				
5	private and public sources	PR	C	48,500	48,500
6	(mk) General program operations —				
7	service funds	PR-S	C	364,400	364,400
8	(mm) General program operations -				
9	federal funds	PR-F	C	-0-	-0-
10	Watershed management	PR-F	C	3,922,400	3,742,100
11	Fisheries management and habitat				
12	protection	PR-F	C	495,600	495,600
13	Drinking water and groundwater	PR-F	C	3,415,500	3,415,500
14	Water integration team	PR-F	C	-0-	-0-
15	Water program management	PR-F	C	-0-	-0-
	NET APPROPRIATION			7,833,500	7,653,200
16	(mq) General program operations -				
17	environmental fund	SEG	A	-0-	-0-
18	Watershed management	SEG	A	713,800	699,500
19	Drinking water and groundwater	SEG	A	1,520,700	1,520,700
20	Water integration team	SEG	A	85,400	85,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	Water program management	SEG	A	66,100	66,100	
	NET APPROPRIATION			2,386,000	2,371,700	
2	(mr) General program operations -					
3	nonpoint source	SEG	A	575,500	598,400	
4	(mt) General program					
5	operations-environmental					
6	improvement programs; state funds	SEG	A	491,100	491,100	
7	(mu) General program operations - state					
8	funds	SEG	A	13,088,300	13,088,300	
9	(mw) Petroleum inspection fund					
10	supplement to env. fund;					
11	groundwater management	SEG	A	766,900	766,900	
12	(mx) General program operations - clean					
13	water fund program; federal funds	SEG-F	C	554,400	554,400	
14	(my) General program operations -					
15	environmental fund - federal funds	SEG-F	C	-0-	-0-	
16	(mz) General program operations -					
17	federal funds	SEG-F	C	3,308,200	3,308,200	
18	(nz) General program operations-safe					
19	drinking water loan programs;					
20	federal funds	SEG-F	C	63,700	63,700	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			19,396,400	19,369,900	
	PROGRAM REVENUE			9,588,300	9,455,200	
	FEDERAL			(7,833,500)	(7,653,200)	
	OTHER			(1,280,700)	(1,327,900)	
	SERVICE			(474,100)	(474,100)	
	SEGREGATED FUNDS			27,009,900	27,055,500	

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	FEDERAL			(3,926,300)	(3,926,300)
	OTHER			(23,083,600)	(23,129,200)
	TOTAL-ALL SOURCES			55,994,600	55,880,600
1	(5) CONSERVATION AIDS				
2	(ac) Resource aids - Milwaukee public				
3	museum	GPR	A	-0-	-0-
4	(aq) Resource aids - Canadian agencies				
5	migratory waterfowl aids	SEG	C	169,200	169,200
6	(ar) Resource aids - county				
7	conservation aids	SEG	C	150,000	150,000
8	(as) Recreation aids - fish, wildlife, and				
9	forestry recreation aids	SEG	C	234,200	234,500
10	(av) Resource aids - private forest				
11	grants	SEG	B	1,000,000	1,000,000
12	(aw) Resource aids - nonprofit				
13	conservation organizations	SEG	C	75,000	75,000
14	(bq) Resource aids - county forest loans;				
15	severance share payments	SEG	C	-0-	-0-
16	(br) Resource aids - forest croplands				
17	and managed forest land aids	SEG	A	1,250,000	1,250,000
18	(bs) Resource aids - county forest loans	SEG	A	622,400	622,400
19	(bt) Resource aids - county forest				
20	project loans	SEG	C	400,000	400,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(bu) Resource aids - county forest				
2	project loans; severance share				
3	payments	SEG	C	-0-	-0-
4	(bv) Res. aids - county forests, forest				
5	croplands and managed forest land				
6	aids	SEG	S	1,248,400	1,248,400
7	(bw) Resource aids - urban forestry and				
8	county forest administrator grants	SEG	A	1,164,900	1,204,900
9	(bx) Resource aids - national forest				
10	income aids	PR-F	C	782,200	782,200
11	(by) Resource aids — fire suppression				
12	grants	SEG	A	525,000	525,000
13	(cq) Recreation aids - recreational				
14	boating and other projects	SEG	C	4,247,000	4,547,000
15	(cr) Recreation aids - county				
16	snowmobile trail and area aids	SEG	C	2,001,400	2,001,400
17	(cs) Recreation aids - snowmobile trail				
18	areas	SEG	C	3,704,500	3,762,900
19	(ct) Recreation aids - all-terrain				
20	vehicle project aids; gas tax				
21	payment	SEG	C	570,700	579,700
22	(cu) Recreation aids — all-terrain				
23	vehicle project aids	SEG	C	450,300	450,300
24	(cv) Recreation aids — motorcycle				
25	recreation aids; trails	SEG	A	197,500	197,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cw) Recreation aid - supplemental				
2	snowmobile trail aids	SEG	C	700,000	700,000
3	(cy) Recreation and resource aids,				
4	federal funds	SEG-F	C	510,900	510,900
5	(da) Aids in lieu of taxes	GPR	S	2,100,000	2,100,000
6	(dq) Aids in lieu of taxes	SEG	S	871,600	871,600
7	(dx) Resource aids — payment in lieu of				
8	taxes; federal	PR-F	C	440,000	440,000
9	(ek) Enforcement aids - spearfishing				
10	enforcement	PR-S	A	10,000	10,000
11	(eq) Enforcement aids — boating				
12	enforcement	SEG	A	800,000	800,000
13	(er) Enforcement aids — all-terrain				
14	vehicle enforcement	SEG	A	50,000	50,000
15	(es) Enforcement aids — snowmobiling				
16	enforcement	SEG	A	200,000	200,000
17	(et) Enforcement aids — boating	SEG	A	300,000	300,000
18	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
19	(fq) Wildlife damage claims and				
20	abatement	SEG	C	2,187,700	2,187,700
21	(fr) Wildlife abatement and control				
22	grants	SEG	B	25,000	25,000
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,100,000	2,100,000
	PROGRAM REVENUE			1,232,200	1,232,200
	FEDERAL			(1,222,200)	(1,222,200)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	SERVICE			(10,000)	(10,000)
	SEGREGATED FUNDS			23,655,700	24,063,400
	FEDERAL			(510,900)	(510,900)
	OTHER			(23,144,800)	(23,552,500)
	TOTAL-ALL SOURCES			26,987,900	27,395,600
1	(6) ENVIRONMENTAL AIDS				
2	(aa) Environmental aids - non-point				
3	source	GPR	B	6,243,600	6,243,600
4	(ag) Environmental aids - nonpoint				
5	repayments	PR	C	-0-	-0-
6	(ak) Environmental aids - nonpoint				
7	source; Indian gaming	PR-S	A	1,000,000	1,000,000
8	(aq) Environmental aids — non-point				
9	source program	SEG	B	6,005,300	6,005,300
10	(ar) Environmental aids - lake and				
11	river grants; conservation fund	SEG	C	2,303,300	2,303,300
12	(as) Environmental aids - lakes				
13	managment planning grants	SEG	C	622,100	622,100
14	(au) Environmental aids - lake and				
15	river grants; environmental fund	SEG	C	150,000	150,000
16	(ba) Environmental aids — dump				
17	closure cost share	GPR	C	1,247,700	1,247,700
18	(bj) Environmental aids — waste				
19	reduction and recycling grants and				
20	gifts	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(bq) Environmental aids - municipal				
2	and county recycling grants	SEG	S	20,000,000	15,000,000
3	(br) Environmental aids - waste				
4	reduction and recycling				
5	demonstration grants	SEG	C	1,000,000	500,000
6	(bs) Environmental aids - household				
7	hazardous waste	SEG	A	150,000	150,000
8	(ca) Environmental aids - scenic urban				
9	waterways	GPR	C	-0-	-0-
10	(ck) Environmental aids - drinking				
11	water study	PR-S	A	-0-	300,000
12	(cm) Environmental aids - federal funds	PR-F	C	75,000	75,000
13	(cr) Environmental aids - compensation				
14	for well contamination	SEG	C	400,000	400,000
15	(da) Environmental planning aids -				
16	local water quality planning	GPR	A	283,400	283,400
17	(dk) Environmental aids - Oneida				
18	nation; Indian gaming	PR-S	A	120,000	120,000
19	(dm) Environmental planning aids -				
20	federal funds	PR-F	C	260,600	260,600
21	(eq) Environmental aids - dry cleaner				
22	environmental response	SEG	A	1,600,000	1,600,000
23	(et) Environmental aids - brownfield				
24	site assessment	SEG	A	1,000,000	1,000,000

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
(6) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				7,774,700	7,774,700
PROGRAM REVENUE				1,455,600	1,755,600
FEDERAL				(335,600)	(335,600)
OTHER				(-0-)	(-0-)
SERVICE				(1,120,000)	(1,420,000)
SEGREGATED FUNDS				33,230,700	27,730,700
OTHER				(33,230,700)	(27,730,700)
TOTAL-ALL SOURCES				42,461,000	37,261,000
1	(7) DEBT SERVICE AND DEVELOPMENT				
2	(aa) Resource acquisition and				
3	development - principal repayment				
4	and interest	GPR	S	21,838,300	23,781,300
5	(ac) Principal repayment and interest -				
6	recreational boating bonds	GPR	S	-0-	-0-
7	(aq) Resource acquisition and				
8	development - principal repayment				
9	and interest	SEG	S	238,700	247,900
10	(ar) Dam repair and removal - principal				
11	repayment and interest	SEG	S	245,600	457,900
12	(at) Recreation development - principal				
13	repayment and interest	SEG	S	-0-	-0-
14	(ba) Debt service - remedial action	GPR	S	1,801,200	2,475,300
15	(ca) Principal repayment and interest -				
16	nonpoint source grants	GPR	S	2,259,500	2,528,300
17	(cb) Principal repayment and interest -				
18	pollution abatement bonds	GPR	S	71,579,300	68,575,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cc) Principal repay. and int. – combined				
2	sewer overflow; pollution abat.				
3	bonds	GPR	S	17,276,800	17,001,400
4	(cd) Principal repayment and interest –				
5	municipal clean drinking water				
6	grants	GPR	S	1,510,800	1,509,500
7	(ce) Principal repayment and interest –				
8	nonpoint source compliance	GPR	S	54,200	168,900
9	(ea) Administrative facilities – principal				
10	repayment and interest	GPR	S	537,500	577,700
11	(eq) Administrative facilities – principal				
12	repayment and interest	SEG	S	1,280,100	1,500,200
13	(er) Administrative facilities – principal				
14	repayment & interest; env. fund	SEG	S	11,100	11,500
15	(fa) Resource maintenance and				
16	development – state funds	GPR	C	1,278,200	1,278,200
17	(fk) Resource acquisition and				
18	development – service funds;				
19	transportation moneys	PR-S	C	1,000,000	1,000,000
20	(fr) Resource acq. and dev. – boating				
21	access to southeastern lakes	SEG	C	100,000	100,000
22	(fs) Resource acquisition and				
23	development – state funds	SEG	C	918,300	1,185,300
24	(ft) Resource acquisition and				
25	development – boating access	SEG	C	200,000	200,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(fu) Resource acquisition and				
2	development — nonmotorized				
3	boating improvements	SEG	C	-0-	-0-
4	(fv) Resource acquisition and				
5	development - fish and wildlife				
6	projects	SEG	C	283,300	283,300
7	(fw) Resource acq. and dev. - Mississippi				
8	and St. Croix rivers management	SEG	C	62,500	62,500
9	(fy) Resource acquisition and				
10	development — federal funds	SEG-F	C	1,960,200	1,960,200
11	(gg) Ice Age trail - gifts and grants	PR	C	-0-	-0-
12	(gq) State trails - gifts and grants	SEG	C	-0-	-0-
13	(ha) Facilities acquisition, development				
14	and maintenance	GPR	C	183,100	183,100
15	(hq) Facilities acquisition, development				
16	and maintenance - conservation				
17	fund	SEG	C	376,800	376,800
18	(jr) Rental property and equipment -				
19	maintenance and replacement	SEG	C	-0-	-0-
20	(mc) Resource maintenance and				
21	development - state park, forest &				
22	riverway roads	GPR	C	1,900,000	1,900,000
23	(mi) General program operations -				
24	private and public sources	PR	C	-0-	-0-
(7) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				120,218,900	119,979,600

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	PROGRAM REVENUE			1,000,000	1,000,000
	OTHER			(-0-)	(-0-)
	SERVICE			(1,000,000)	(1,000,000)
	SEGREGATED FUNDS			5,676,600	6,385,600
	FEDERAL			(1,960,200)	(1,960,200)
	OTHER			(3,716,400)	(4,425,400)
	TOTAL-ALL SOURCES			126,895,500	127,365,200
1	(8) ADMINISTRATION AND TECHNOLOGY				
2	(ir) Promotional activities and				
3	publications	SEG	C	83,000	83,000
4	(iw) Statewide recycling administration	SEG	A	117,200	117,200
5	(ma) General program operations —				
6	state funds	GPR	A	7,668,700	7,744,000
7	(mg) General program operations —				
8	stationary sources	PR	A	922,200	922,200
9	(mh) Information technology				
10	development projects	PR-S	A	-0-	-0-
11	(mi) General program operations —				
12	private and public sources	PR	C	-0-	-0-
13	(mk) General program operations —				
14	service funds	PR-S	C	5,622,400	5,622,400
15	(mq) General program operations —				
16	mobile sources	SEG	A	427,400	427,400
17	(mr) General program operations -				
18	environmental improvement fund	SEG	A	250,700	250,700
19	(mt) Equipment pool operations	SEG-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(mu) General program operations —				
2	state funds	SEG	A	15,958,100	16,009,300
3	(mv) General program operations —				
4	environmental fund	SEG	A	1,963,400	2,259,100
5	(mz) Indirect cost reimbursements	SEG-F	C	4,500,400	4,500,400
6	(ni) Geographic information systems,				
7	general program operations - other				
8	funds	PR	C	-0-	-0-
9	(nk) Geographic information systems,				
10	general program operations —				
11	service fds.	PR-S	C	1,109,000	1,109,000
12	(zq) Gifts and donations	SEG	C	-0-	-0-
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			7,668,700	7,744,000
	PROGRAM REVENUE			7,653,600	7,653,600
	OTHER			(922,200)	(922,200)
	SERVICE			(6,731,400)	(6,731,400)
	SEGREGATED FUNDS			23,300,200	23,647,100
	FEDERAL			(4,500,400)	(4,500,400)
	OTHER			(18,799,800)	(19,146,700)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			38,622,500	39,044,700
13	(9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
14	(eg) Gifts and grants; environmental				
15	management systems	PR	C	-0-	-0-
16	(gb) Education programs - program fees	PR	B	59,300	59,300
17	(hk) Approval fees to Lac du Flambeau				
18	band-service funds	PR-S	A	100,000	100,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(hs) Approval fees from Lac du				
2	Flambeau band	SEG	C	-0-	-0-
3	(ht) Approval fees to Lac du Flambeau				
4	band	SEG	S	-0-	-0-
5	(hu) Handling, issuing and approval list				
6	fees	SEG	C	464,000	534,000
7	(iq) Natural resources magazine	SEG	C	873,000	923,000
8	(is) Statewide recycling administration	SEG	A	366,700	366,700
9	(jL) Fox river management; fees	PR	C	-0-	-0-
10	(ju) Fox river management	SEG	B	121,700	121,700
11	(ma) General program operations - state				
12	funds	GPR	A	2,394,200	2,367,000
13	(mh) General programs operations -				
14	stationary sources	PR	A	496,600	496,600
15	(mi) General program operations —				
16	private and public sources	PR	C	40,000	40,000
17	(mj) General program operations —				
18	solid and hazardous waste	PR	A	136,200	136,200
19	(mk) General program operations —				
20	service funds	PR-S	C	100,200	100,200
21	(mm) General program operations -				
22	federal funds	PR-F	C	251,100	236,900
23	(mq) General program operations -				
24	mobile sources	SEG	A	158,900	158,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ms) General program operations —				
2	cooperative environmental				
3	assistance	SEG	A	120,300	120,300
4	(mt) Aids administration —				
5	environmental improvement				
6	programs; state funds	SEG	A	1,013,200	1,013,200
7	(mu) General program operations - state				
8	funds	SEG	A	10,961,700	10,812,600
9	(mv) General program operations —				
10	environmental fund	SEG	A	582,600	582,600
11	(mw) Aids administration - snowmobile				
12	recreation	SEG	A	145,700	140,700
13	(mx) Aids administration - clean water				
14	fund program; federal funds	SEG-F	C	981,100	981,100
15	(my) General program operations -				
16	federal funds	SEG-F	C	100,900	100,900
17	(mz) Indirect cost reimbursements	SEG-F	C	622,300	622,300
18	(nq) Aids administration - dry cleaner				
19	environmental response	SEG	A	51,900	51,900
20	(ny) Aids administration - safe drinking				
21	water loan programs; federal funds	SEG-F	C	99,600	99,600

(9) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,394,200	2,367,000
PROGRAM REVENUE	1,183,400	1,169,200
FEDERAL	(251,100)	(236,900)
OTHER	(732,100)	(732,100)
SERVICE	(200,200)	(200,200)
SEGREGATED FUNDS	16,663,600	16,629,500

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
FEDERAL			(1,803,900)	(1,803,900)
OTHER			(14,859,700)	(14,825,600)
TOTAL-ALL SOURCES			20,241,200	20,165,700
20.370 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			174,199,300	174,003,900
PROGRAM REVENUE			45,477,100	45,809,900
FEDERAL			(16,032,900)	(15,838,400)
OTHER			(18,143,300)	(18,120,600)
SERVICE			(11,300,900)	(11,850,900)
SEGREGATED FUNDS			233,841,900	229,101,800
FEDERAL			(26,031,000)	(26,031,000)
OTHER			(207,810,900)	(203,070,800)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			453,518,300	448,915,600

1	20.380 Tourism, department of				
2	(1) TOURISM DEVELOPMENT PROMOTION				
3	(a) General program operations	GPR	A	3,926,900	3,926,900
4	(b) Tourism marketing; general				
5	purpose revenue	GPR	B	9,241,000	9,241,000
6	(bm) Heritage tourism program	GPR	B	135,400	135,400
7	(g) Gifts, grants and proceeds	PR	C	6,200	6,200
8	(h) Tourism promotion; sale of surplus				
9	property	PR	C	35,700	35,700
10	(j) Tourism promotion - private and				
11	public sources	PR	C	100,000	100,000
12	(k) Sale of materials or services	PR-S	C	-0-	-0-
13	(ka) Sales of materials or services-local				
14	assistance	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kb) Sales of materials or				
2	services-individuals and				
3	organizations	PR-S	C	-0-	-0-
4	(kc) Marketing clearinghouse charges	PR-S	A	-0-	-0-
5	(kd) Information technology				
6	development projects	PR-S	A	-0-	-0-
7	(kg) Tourism marketing; gaming				
8	revenue	PR-S	C	4,000,000	4,000,000
9	(m) Federal aid-state operations	PR-F	C	-0-	-0-
10	(n) Federal aid-local assistance	PR-F	C	-0-	-0-
11	(o) Federal aid-individuals and				
12	organizations	PR-F	C	-0-	-0-
13	(q) Administrative				
14	services-conservation fund	SEG	A	46,400	46,400
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			13,303,300	13,303,300
	PROGRAM REVENUE			4,141,900	4,141,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(141,900)	(141,900)
	SERVICE			(4,000,000)	(4,000,000)
	SEGREGATED FUNDS			46,400	46,400
	OTHER			(46,400)	(46,400)
	TOTAL-ALL SOURCES			17,491,600	17,491,600
15	(2) KICKAPOO VALLEY RESERVE				
16	(dq) Kickapoo valley reserve; aids in lieu				
17	of taxes	GPR	S	-0-	-0-
18	(ip) Kickapoo reserve management				
19	board; program services	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ir) Kickapoo reserve management				
2	board; gifts and grants	PR	C	-0-	-0-
3	(ms) Kickapoo reserve management				
4	board; federal aid	PR-F	C	-0-	-0-
5	(q) Kickapoo reserve management				
6	board; general program operations	SEG	A	194,100	194,100
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			194,100	194,100
	OTHER			(194,100)	(194,100)
	TOTAL-ALL SOURCES			194,100	194,100
20.380 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			13,303,300	13,303,300
	PROGRAM REVENUE			4,141,900	4,141,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(141,900)	(141,900)
	SERVICE			(4,000,000)	(4,000,000)
	SEGREGATED FUNDS			240,500	240,500
	OTHER			(240,500)	(240,500)
	TOTAL-ALL SOURCES			17,685,700	17,685,700
7	20.395 Transportation, department of				
8	(1) Aids				
9	(ar) Corrections of transportation aid				
10	payments	SEG	S	-0-	-0-
11	(as) Transportation aids to counties,				
12	state funds	SEG	A	79,925,500	81,106,600
13	(at) Transportation aids to				
14	municipalities, state funds	SEG	A	251,262,000	254,784,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(br) Milwaukee urban area rail transit				
2	system planning study, state funds	SEG	A	-0-	-0-
3	(bs) Demand management and				
4	ride-sharing grants, state funds	SEG	A	336,000	336,000
5	(bt) Urban rail transit system grants	SEG	C	-0-	-0-
6	(bv) Transit and demand management				
7	aids, local funds	SEG-L	C	110,000	110,000
8	(bx) Transit and demand management				
9	aids, federal funds	SEG-F	C	20,000,000	20,000,000
10	(cq) Elderly and disabled capital aids,				
11	state funds	SEG	C	797,800	797,800
12	(cr) Elderly and disabled county aids,				
13	state funds	SEG	A	6,632,800	6,831,800
14	(cv) Elderly and disabled aids, local				
15	funds	SEG-L	C	574,500	574,500
16	(cx) Elderly and disabled aids, federal				
17	funds	SEG-F	C	1,500,000	1,500,000
18	(ex) Highway safety, local assistance,				
19	federal funds	SEG-F	C	1,700,000	1,700,000
20	(fq) Connecting highways aids, state				
21	funds	SEG	A	12,851,900	12,851,900
22	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
23	(ft) Lift bridge aids, state funds	SEG	B	1,350,000	1,350,000
24	(fu) County forest road aids, state funds	SEG	A	303,300	303,300

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gq) Expressway policing aids, state				
2	funds	SEG	A	900,800	900,800
3	(hq) Tier A transit operating aids, state				
4	funds	SEG	A	63,691,300	65,012,900
5	(hr) Tier B transit operating aids, state				
6	funds	SEG	A	19,842,000	24,100,400
7	(hs) Tier C transit operating aids, state				
8	funds	SEG	A	3,732,000	-0-
	(1) PROGRAM TOTALS				
	SEGREGATED FUNDS			466,109,900	472,860,900
	FEDERAL			(23,200,000)	(23,200,000)
	OTHER			(442,225,400)	(448,976,400)
	LOCAL			(684,500)	(684,500)
	TOTAL-ALL SOURCES			466,109,900	472,860,900
9	(2) LOCAL TRANSPORTATION ASSISTANCE				
10	(aq) Accelerated local bridge				
11	improvement assistance, state				
12	funds	SEG	C	-0-	-0-
13	(av) Accelerated local bridge				
14	improvement assistance, local				
15	funds	SEG-L	C	-0-	-0-
16	(ax) Accelerated local bridge				
17	improvement assistance, federal				
18	funds	SEG-F	C	-0-	-0-
19	(bq) Rail service assistance, state funds	SEG	C	666,800	666,800
20	(bu) Freight rail infrastructure				
21	improvements, state funds	SEG	C	3,579,800	3,079,800

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000
2	(bw) Freight rail assistance loan				
3	repayments, local funds	SEG-L	C	2,000,000	2,500,000
4	(bx) Rail service assistance, federal				
5	funds	SEG-F	C	50,000	50,000
6	(cq) Harbor assistance, state funds	SEG	C	586,800	586,800
7	(cr) Rail passenger service, state funds	SEG	C	371,200	408,400
8	(cv) Rail passenger service, local funds	SEG-L	C	-0-	-0-
9	(cx) Rail passenger service; federal				
10	funds	SEG-F	C	3,841,300	3,675,400
11	(dq) Aeronautics assistance, state funds	SEG	C	11,904,000	11,904,000
12	(dv) Aeronautics assistance, local funds	SEG-L	C	6,985,200	6,985,200
13	(dx) Aeronautics assistance, federal				
14	funds	SEG-F	C	20,000,000	20,000,000
15	(eq) Highway and local bridge				
16	improvement assistance, state				
17	funds	SEG	C	8,472,300	8,472,300
18	(ev) Local bridge improvement				
19	assistance, local funds	SEG-L	C	8,780,400	8,780,400
20	(ex) Local bridge improvement				
21	assistance, federal funds	SEG-F	C	26,288,200	26,288,200
22	(fr) Local roads improvement program,				
23	state funds	SEG	C	20,656,200	20,656,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(fv) Local transportation facility				
2	improvement assistance, local				
3	funds	SEG-L	C	33,928,200	33,928,200
4	(fx) Local transportation facility				
5	improvement assistance, federal				
6	funds	SEG-F	C	71,379,700	71,379,700
7	(gj) Railroad crossing protection				
8	installation and maintenance, state				
9	funds	SEG	C	-0-	-0-
10	(gq) Railroad crossing improvement and				
11	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
12	(gr) Railroad crossing improvement and				
13	protection installation, state funds	SEG	C	450,000	450,000
14	(gs) Railroad crossing repair assistance,				
15	state funds	SEG	C	250,000	250,000
16	(gv) Railroad crossing improvement,				
17	local funds	SEG-L	C	-0-	-0-
18	(gx) Railroad crossing improvement,				
19	federal funds	SEG-F	C	3,549,300	3,549,300
20	(hq) Multimodal transportation studies,				
21	state funds	SEG	C	750,000	750,000
22	(hx) Multimodal transportation studies,				
23	federal funds	SEG-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(iq) Transportation facilities economic				
2	assistance and development, state				
3	funds	SEG	C	3,500,000	3,500,000
4	(iv) Transportation facilities economic				
5	assistance and development, local				
6	funds	SEG-L	C	3,500,000	3,500,000
7	(iw) Transportation facility				
8	improvement loans, local funds	SEG-L	C	-0-	-0-
9	(ix) Transportation facilities economic				
10	assistance & development, federal				
11	funds	SEG-F	C	-0-	-0-
12	(jq) Surface transportation grants, state				
13	funds	SEG	C	-0-	-0-
14	(jv) Surface transportation grants, local				
15	funds	SEG-L	C	680,000	680,000
16	(jx) Surface transportation grants,				
17	federal funds	SEG-F	C	2,720,000	2,720,000
18	(kv) Congestion mitigation and air				
19	quality improvement, local funds	SEG-L	C	3,124,700	3,124,700
20	(kx) Congestion mitigation and air				
21	quality improvement, federal funds	SEG-F	C	12,498,500	12,498,500
22	(nv) Transportation enhancement				
23	activities, local funds	SEG-L	C	1,562,000	1,562,000
24	(nx) Transportation enhancement				
25	activities, federal funds	SEG-F	C	6,248,000	6,248,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(ny) Milwaukee lakeshore walkway	SEG-F	B	1,000,000	1,000,000	
2	(ph) Transportation infrastructure					
3	loans, gifts and grants	SEG	C	-0-	-0-	
4	(pq) Transportation infrastructure					
5	loans, state funds	SEG	C	-0-	-0-	
6	(pu) Transportation infrastructure					
7	loans, service funds	SEG-S	C	-0-	-0-	
8	(pv) Transportation infrastructure					
9	loans, local funds	SEG-L	C	-0-	-0-	
10	(px) Transportation infrastructure					
11	loans, federal funds	SEG-F	C	-0-	-0-	
	(2) PROGRAM TOTALS					
	SEGREGATED FUNDS			262,072,600	261,943,900	
	FEDERAL			(147,575,000)	(147,409,100)	
	OTHER			(53,437,100)	(52,974,300)	
	SERVICE			(-0-)	(-0-)	
	LOCAL			(61,060,500)	(61,560,500)	
	TOTAL-ALL SOURCES			262,072,600	261,943,900	
12	(3) STATE HIGHWAY FACILITIES					
13	(bq) Major highway development, state					
14	funds	SEG	C	43,066,000	47,658,200	
15	(br) Major highway development,					
16	service funds	SEG-S	C	113,210,300	114,407,200	
17	(bv) Major highway development, local					
18	funds	SEG-L	C	-0-	-0-	
19	(bx) Major highway development,					
20	federal funds	SEG-F	C	57,328,100	57,948,500	

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cq) State highway rehabilitation, state				
2	funds	SEG	C	255,933,300	255,923,400
3	(cv) State highway rehabilitation, local				
4	funds	SEG-L	C	2,000,000	2,000,000
5	(cx) State highway rehabilitation,				
6	federal funds	SEG-F	C	283,280,100	292,828,300
7	(eq) Highway maintenance, repair and				
8	traffic operations, state funds	SEG	B	150,149,000	158,817,600
9	(ev) Highway maintenance, repair and				
10	traffic operations, local funds	SEG-L	C	250,000	250,000
11	(ex) Highway maintenance, repair and				
12	traffic operations, federal funds	SEG-F	C	1,194,000	1,194,000
13	(iq) Administration and planning, state				
14	funds	SEG	A	19,486,000	19,431,000
15	(ir) Disadvantaged business				
16	mobilization assistance, state funds	SEG	C	-0-	-0-
17	(iv) Administration and planning, local				
18	funds	SEG-L	C	-0-	-0-
19	(ix) Administration and planning,				
20	federal funds	SEG-F	C	5,700,400	5,700,400
(3) PROGRAM TOTALS					
	SEGREGATED FUNDS			931,597,200	956,158,600
	FEDERAL			(347,502,600)	(357,671,200)
	OTHER			(468,634,300)	(481,830,200)
	SERVICE			(113,210,300)	(114,407,200)
	LOCAL			(2,250,000)	(2,250,000)
	TOTAL-ALL SOURCES			931,597,200	956,158,600

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(4) GENERAL TRANSPORTATION OPERATIONS				
2	(aq) Departmental management and				
3	operations, state funds	SEG	A	49,265,800	50,399,200
4	(ar) Minor construction projects, state				
5	funds	SEG	C	-0-	-0-
6	(as) Information technology				
7	development projects	PR-S	A	-0-	-0-
8	(at) Capital building projects, service				
9	funds	SEG-S	C	2,785,400	2,785,400
10	(av) Departmental management and				
11	operations, local funds	SEG-L	C	369,000	369,000
12	(ax) Departmental management and				
13	operations, federal funds	SEG-F	C	13,677,900	13,715,300
14	(ay) Indirect cost reimbursements,				
15	federal funds	SEG-F	C	-0-	-0-
16	(ch) Gifts and grants	SEG	C	-0-	-0-
17	(dq) Demand management	SEG	A	280,300	280,300
18	(eq) Data processing services, service				
19	funds	SEG-S	C	15,109,600	15,109,600
20	(er) Fleet operations, service funds	SEG-S	C	11,985,200	12,185,200
21	(es) Other department services,				
22	operations, service funds	SEG-S	C	1,051,100	1,051,100
23	(et) Equipment acquisition	SEG	A	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ew) Operating budget supplements,				
2	state funds	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			94,524,300	95,895,100
	FEDERAL			(13,677,900)	(13,715,300)
	OTHER			(49,546,100)	(50,679,500)
	SERVICE			(30,931,300)	(31,131,300)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			94,524,300	95,895,100
3	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
4	(cg) Vehicle registration, telephone				
5	renewal transactions, state funds	PR	C	-0-	-0-
6	(ch) Repaired salvage vehicle				
7	examinations, state funds	PR	C	-0-	-0-
8	(ci) Breath screening instruments,				
9	state funds	PR	C	290,900	-0-
10	(cj) Vehicle registration, special group				
11	plates, state funds	PR	C	-0-	-0-
12	(cq) Veh. reg., insp. & maint., driver				
13	licensing & aircraft reg., state				
14	funds	SEG	A	67,987,200	68,939,800
15	(cx) Vehicle registration and driver				
16	licensing, federal funds	SEG-F	C	200,000	200,000
17	(dg) Escort, security and traffic				
18	enforcement services, state funds	PR	C	79,200	79,200

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(dh) Traffic academy tuition payments,					
2	state funds	PR	C	341,500	374,800	
3	(di) Chemical testing training and					
4	services, state funds	PR	A	1,041,500	1,003,800	
5	(dk) Public safety radio management,					
6	service funds	PR-S	C	202,200	202,200	
7	(dL) Public safety radio management,					
8	state funds	PR	C	22,000	22,000	
9	(dq) Vehicle inspection, traffic					
10	enforcement and radio					
11	management, state funds	SEG	A	42,927,400	44,022,200	
12	(dx) Vehicle inspection and traffic					
13	enforcement, federal funds	SEG-F	C	2,194,800	2,159,800	
14	(hq) Motor veh. emission insp. and					
15	maint. program, contractor costs,					
16	state funds	SEG	A	7,881,700	7,881,700	
17	(hx) Motor vehicle emission inspection					
18	and maintenance programs, federal					
19	funds	SEG-F	C	2,528,000	2,854,800	
20	(iv) Municipal and county registration					
21	fee, local funds	SEG-L	C	-0-	-0-	
22	(jr) Pretrial intoxicated driver					
23	intervention grants, state funds	SEG	A	150,000	150,000	
		(5) PROGRAM TOTALS				
	PROGRAM REVENUE			1,977,300	1,682,000	
	OTHER			(1,775,100)	(1,479,800)	
	SERVICE			(202,200)	(202,200)	

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	SEGREGATED FUNDS			123,869,100	126,208,300
	FEDERAL			(4,922,800)	(5,214,600)
	OTHER			(118,946,300)	(120,993,700)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			125,846,400	127,890,300
1	(6) DEBT SERVICES				
2	(aq) Principal repayment and interest,				
3	transportation facilities, state funds	SEG	S	6,110,100	6,015,900
4	(ar) Principal repayment and interest,				
5	buildings, state funds	SEG	S	510,100	327,600
	(6) PROGRAM TOTALS				
	SEGREGATED FUNDS			6,620,200	6,343,500
	OTHER			(6,620,200)	(6,343,500)
	TOTAL-ALL SOURCES			6,620,200	6,343,500
6	(9) GENERAL PROVISIONS				
7	(qh) Highways, bridges and local				
8	transportation assistance clearing				
9	account	SEG	C	-0-	-0-
10	(qj) Hwys., bridges & local transp.				
11	assist. clearing acct., fed. funded				
12	pos.	SEG-F	C	-0-	-0-
	(9) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.395 DEPARTMENT TOTALS				
	PROGRAM REVENUE			1,977,300	1,682,000
	OTHER			(1,775,100)	(1,479,800)
	SERVICE			(202,200)	(202,200)
	SEGREGATED FUNDS			1,884,793,300	1,919,410,300
	FEDERAL			(536,878,300)	(547,210,200)
	OTHER			(1,139,409,400)	(1,161,797,600)

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
SERVICE			(144,141,600)	(145,538,500)
LOCAL			(64,364,000)	(64,864,000)
TOTAL-ALL SOURCES			1,886,770,600	1,921,092,300
Environmental Resources				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			216,973,500	220,079,600
PROGRAM REVENUE			51,596,300	51,633,800
FEDERAL			(16,032,900)	(15,838,400)
OTHER			(20,060,300)	(19,742,300)
SERVICE			(15,503,100)	(16,053,100)
SEGREGATED FUNDS			2,126,001,300	2,152,878,200
FEDERAL			(562,909,300)	(573,241,200)
OTHER			(1,354,586,400)	(1,369,234,500)
SERVICE			(144,141,600)	(145,538,500)
LOCAL			(64,364,000)	(64,864,000)
TOTAL-ALL SOURCES			2,394,571,100	2,424,591,600

Human Relations and Resources

1	20.410	Corrections, department of			
2	(1)	ADULT CORRECTIONAL SERVICES			
3	(a)	General program operations	GPR	A	286,859,400 302,900,100
4	(aa)	Institutional repair and			
5		maintenance	GPR	A	3,222,400 3,548,000
6	(ab)	Corrections contracts and			
7		agreements	GPR	A	115,169,400 162,813,000
8	(b)	Services for community corrections	GPR	A	112,624,500 127,793,900
9	(bm)	Pharmacological treatment for			
10		certain child sex offenders	GPR	A	676,800 676,800
11	(bn)	Reimbursing counties for probation,			
12		extended supervision and parole			
13		holds	GPR	A	4,019,800 4,019,800

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(c) Reimbursement claims of counties				
2	containing state prisons	GPR	S	261,900	261,900
3	(cm) Home detention program	GPR	A	-0-	-0-
4	(cw) Mother-young child care program	GPR	A	200,000	200,000
5	(d) Purchased services for offenders	GPR	A	14,914,300	15,109,200
6	(e) Principal repayment and interest	GPR	S	46,187,300	48,666,800
7	(ec) Prison industries principal, interest				
8	and rebates	GPR	S	-0-	-0-
9	(ed) Correctional facilities rental	GPR	A	-0-	-0-
10	(ef) Lease rental payments	GPR	S	-0-	-0-
11	(f) Energy costs	GPR	A	9,632,700	9,898,700
12	(fm) Offender release information	GPR	B	-0-	-0-
13	(g) Loan fund for persons on probation,				
14	extended supervision or parole	PR	A	6,000	6,000
15	(gb) Drug testing	PR	C	38,900	38,900
16	(gc) Sex offender honesty testing	PR	C	-0-	-0-
17	(ge) Administrative and minimum				
18	supervision	PR	A	488,300	488,400
19	(gf) Probation, parole and extended				
20	supervision	PR	A	4,165,000	4,165,000
21	(gg) Supervision of defendants and				
22	offenders	PR	A	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gh) Supervision of persons on lifetime				
2	supervision	PR	A	-0-	-0-
3	(gi) General operations	PR	A	1,153,100	1,153,100
4	(gm) Sale of fuel and utility service	PR	A	-0-	-0-
5	(gr) Home detention services	PR	A	1,522,800	1,523,500
6	(gt) Telephone company commissions	PR	A	1,053,700	832,700
7	(h) Administration of restitution	PR	A	680,900	680,900
8	(hm) Private business employment of				
9	inmates and residents	PR	A	2,383,300	2,383,300
10	(i) Gifts and grants	PR	C	33,400	33,400
11	(j) State-owned housing maintenance	PR	A	-0-	-0-
12	(kc) Correctional institution enterprises;				
13	inmate activities and employment	PR-S	C	1,042,900	1,042,900
14	(kf) Correctional farms	PR-S	A	3,260,200	3,374,200
15	(kg) Crime victim assistance services	PR-S	A	204,000	222,200
16	(kk) Institutional operations and				
17	charges	PR-S	A	12,795,000	12,795,700
18	(km) Prison industries	PR-S	A	21,033,300	22,382,300
19	(ko) Prison industries principal				
20	repayment, interest and rebates	PR-S	S	97,600	101,900
21	(kp) Correctional officer training	PR-S	A	1,440,700	1,440,700
22	(kv) Information technology	PR-S	A	2,000,000	2,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kw) Information technology				
2	development projects	PR-S	A	-0-	-0-
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	2,694,200	3,279,100
5	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100
6	(kz) Interagency and intra-agency local				
7	assistance	PR-S	C	-0-	-0-
8	(m) Federal project operations	PR-F	C	31,000	31,000
9	(n) Federal program operations	PR-F	C	-0-	-0-
10	(q) Computer recycling	SEG	A	500,000	500,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			593,768,500	675,888,200
	PROGRAM REVENUE			57,566,400	59,417,300
	FEDERAL			(31,000)	(31,000)
	OTHER			(11,525,400)	(11,305,200)
	SERVICE			(46,010,000)	(48,081,100)
	SEGREGATED FUNDS			500,000	500,000
	OTHER			(500,000)	(500,000)
	TOTAL-ALL SOURCES			651,834,900	735,805,500
11	(2) PAROLE COMMISSION				
12	(a) General program operations	GPR	A	727,800	727,800
13	(kx) Interagency and intra-agency				
14	programs	PR-S	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			727,800	727,800
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			727,800	727,800
15	(3) JUVENILE CORRECTIONAL SERVICES				

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) General program operations	GPR	A	1,498,200	1,498,200
2	(c) Reimbursement claims of counties				
3	containing secured correctional				
4	facilities	GPR	A	200,000	200,000
5	(cd) Community youth and family aids	GPR	A	81,734,500	83,734,500
6	(cg) Serious juvenile offenders	GPR	B	10,813,200	10,813,200
7	(d) Youth diversion	GPR	A	380,000	380,000
8	(e) Principal repayment and interest	GPR	S	3,425,900	3,411,400
9	(f) Community intervention program	GPR	A	3,750,000	3,750,000
10	(g) Legal service collections	PR	C	-0-	-0-
11	(gg) Collection remittances to local units				
12	of government	PR	C	-0-	-0-
13	(hm) Juvenile correctional services	PR	A	66,308,300	66,024,200
14	(ho) Juvenile residential aftercare	PR	A	9,440,000	9,440,000
15	(hr) Juvenile corrective sanctions				
16	program	PR	A	3,544,500	3,609,400
17	(i) Gifts and grants	PR	C	5,300	5,300
18	(j) State-owned housing maintenance	PR	A	35,000	35,000
19	(jr) Institutional operations and				
20	charges	PR	A	208,600	208,600
21	(jv) Secure detention services	PR	C	-0-	-0-
22	(kj) Youth diversion program	PR-S	A	645,000	645,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ko) Interagency programs; community				
2	youth and family aids	PR-S	C	2,449,200	2,449,200
3	(kp) Interagency programs; alcohol and				
4	other drug abuse	PR-S	C	300,000	300,000
5	(kx) Interagency and intra-agency				
6	programs	PR-S	C	1,251,200	1,251,200
7	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
8	(kz) Interagency and intra-agency local				
9	assistance	PR-S	C	-0-	-0-
10	(m) Federal project operations	PR-F	C	-0-	-0-
11	(n) Federal program operations	PR-F	C	-0-	-0-
12	(o) Federal aid; foster care and				
13	treatment foster care	PR-F	C	-0-	-0-
14	(q) Girls school benevolent trust fund	SEG	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	101,801,800	103,787,300
PROGRAM REVENUE	84,187,100	83,967,900
FEDERAL	(-0-)	(-0-)
OTHER	(79,541,700)	(79,322,500)
SERVICE	(4,645,400)	(4,645,400)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	185,988,900	187,755,200

20.410 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	696,298,100	780,403,300
PROGRAM REVENUE	141,753,500	143,385,200
FEDERAL	(31,000)	(31,000)
OTHER	(91,067,100)	(90,627,700)
SERVICE	(50,655,400)	(52,726,500)
SEGREGATED FUNDS	500,000	500,000
OTHER	(500,000)	(500,000)
TOTAL-ALL SOURCES	838,551,600	924,288,500

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	20.425 Employment relations commission				
2	(1) PROMOTION OF PEACE IN LABOR RELATIONS				
3	(a) General program operations	GPR	A	2,662,600	2,680,900
4	(g) Publications	PR	A	29,500	29,500
5	(h) Collective bargaining training	PR	C	37,000	37,000
6	(i) Fees	PR	A	307,900	307,900
7	(ka) Information technology				
8	development projects	PR-S	A	-0-	-0-
	20.425 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,662,600	2,680,900
	PROGRAM REVENUE			374,400	374,400
	OTHER			(374,400)	(374,400)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,037,000	3,055,300
9	20.432 Board on aging and long-term care				
10	(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
11	(a) General program operations	GPR	A	846,500	846,500
12	(i) Gifts and grants	PR	C	-0-	-0-
13	(k) Contracts with state agencies	PR-S	A	521,500	724,000
14	(kb) Insurance and other information,				
15	counseling and assistance	PR-S	A	229,500	248,800
16	(kc) Information technology				
17	development projects	PR-S	A	-0-	-0-
18	(m) Federal aid	PR-F	C	-0-	-0-
	20.432 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			846,500	846,500
	PROGRAM REVENUE			751,000	972,800

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(751,000)	(972,800)
TOTAL-ALL SOURCES			1,597,500	1,819,300
1 20.433 Child abuse and neglect prevention board				
2 (1) PREVENTION OF CHILD ABUSE AND NEGLECT				
3 (b) Early childhood family education				
4 center grants	GPR	A	-0-	-0-
5 (g) General program operations	PR	A	296,400	309,500
6 (h) Grants to organizations	PR	C	1,480,000	1,480,000
7 (i) Gifts and grants	PR	C	-0-	-0-
8 (k) Interagency programs	PR-S	C	-0-	-0-
9 (m) Federal project operations	PR-F	C	108,500	108,500
10 (ma) Federal project aids	PR-F	C	350,000	350,000
11 (q) Children's trust fund grants	SEG	C	30,000	80,000
12 (r) Children's trust fund; general				
13 program operations and statewide				
14 projects	SEG	A	30,000	30,000
20.433 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			2,234,900	2,248,000
FEDERAL			(458,500)	(458,500)
OTHER			(1,776,400)	(1,789,500)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			60,000	110,000
OTHER			(60,000)	(110,000)
TOTAL-ALL SOURCES			2,294,900	2,358,000

15 20.434 Adolescent pregnancy prevention and pregnancy services

16 (1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) General program operations	GPR	A	112,200	112,200
2	(ka) Information technology				
3	development projects	PR-S	A	-0-	-0-
4	(ky) Interagency and intra-agency aids;				
5	pregnancy prevention and services	PR-S	C	439,300	439,300
2 0 . 4 3 4 D E P A R T M E N T T O T A L S					
	GENERAL PURPOSE REVENUES			112,200	112,200
	PROGRAM REVENUE			439,300	439,300
	SERVICE			(439,300)	(439,300)
	TOTAL-ALL SOURCES			551,500	551,500
6	20.435 Health and family services, department of				
7	(1) PUBLIC HEALTH SVCS PLANNING, REG & DELIVERY; PUBLIC HLTH; STATE OPERATIONS				
8	(a) General program operations	GPR	A	5,531,000	5,569,000
9	(bm) Medical assistance administration	GPR	B	-0-	-0-
10	(gm) Licensing, review and certifying				
11	activities fee; supplies and services	PR	A	5,025,000	5,142,000
12	(gr) Supplemental food program for				
13	women, infants and children				
14	adminstration	PR	C	-0-	-0-
15	(i) Gifts and grants	PR	C	174,500	204,900
16	(jb) Congenital disorders; operations	PR	A	16,200	16,200
17	(kx) Interagency and intra-agency				
18	programs	PR-S	C	671,600	635,400
19	(m) Federal project operations	PR-F	C	11,765,300	12,689,700
20	(mc) Block grant operations	PR-F	C	6,077,100	6,079,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Federal program operations	PR-F	C	2,962,500	2,973,200
2	(q) Groundwater and air quality				
3	standards	SEG	A	331,000	331,000
4	(t) Statewide trauma care system	SEG	A	-0-	80,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,531,000	5,569,000
	PROGRAM REVENUE			26,692,200	27,740,400
	FEDERAL			(20,804,900)	(21,741,900)
	OTHER			(5,215,700)	(5,363,100)
	SERVICE			(671,600)	(635,400)
	SEGREGATED FUNDS			331,000	411,000
	OTHER			(331,000)	(411,000)
	TOTAL-ALL SOURCES			32,554,200	33,720,400
5	(2) CARE AND TREATMENT FACILITIES				
6	(a) General program operations	GPR	A	39,690,400	39,942,000
7	(aa) Institutional repair and				
8	maintenance	GPR	A	498,900	525,600
9	(b) Wisconsin resource center	GPR	A	20,214,300	27,621,400
10	(bj) Conditional and supervised release				
11	treatment and services	GPR	B	3,890,600	4,340,300
12	(bm) Secure mental health units or				
13	facilities	GPR	A	8,866,600	8,141,200
14	(ee) Principal repayment and interest	GPR	S	10,341,400	11,243,600
15	(ef) Lease rental payments	GPR	S	-0-	-0-
16	(f) Energy costs	GPR	A	2,241,900	2,283,600
17	(gk) Institutional operations and				
18	charges	PR	A	148,437,600	150,553,100

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gs) Sex offender honesty testing	PR	C	-0-	-0-
2	(i) Gifts and grants	PR	C	173,400	173,400
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	6,788,200	6,897,300
5	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
6	(kz) Interagency and intra-agency local				
7	assistance	PR-S	C	-0-	-0-
8	(m) Federal project operations	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			85,744,100	94,097,700
	PROGRAM REVENUE			155,399,200	157,623,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(148,611,000)	(150,726,500)
	SERVICE			(6,788,200)	(6,897,300)
	TOTAL-ALL SOURCES			241,143,300	251,721,500
9	(3) CHILDREN AND FAMILY SERVICES				
10	(a) General program operations	GPR	A	3,144,100	3,358,400
11	(bc) Grants for community programs	GPR	A	697,200	697,200
12	(c) Statutory rape prosecution pilot				
13	program	GPR	C	183,700	-0-
14	(cd) Domestic abuse grants	GPR	A	5,070,200	5,070,200
15	(cf) Foster, treatment foster and				
16	family-operated group home ins. &				
17	liability	GPR	A	60,000	60,000
18	(cw) Milwaukee child welfare services;				
19	general program operations	GPR	A	10,870,200	11,177,700

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(cx) Milwaukee child welfare services;				
2	aids	GPR	A	4,773,600	9,214,600
3	(cz) Foster care services, kinship care				
4	and aid to minor custodial parents	GPR	A	1,473,200	1,473,200
5	(db) Foster care assessments	GPR	A	112,800	112,800
6	(dd) State foster care and adoption				
7	services	GPR	A	20,505,500	24,402,300
8	(de) Child abuse and neglect prevention				
9	grants	GPR	A	995,700	995,700
10	(df) Child abuse and neglect prevention				
11	technical assistance	GPR	A	160,000	160,000
12	(dg) State adoption information				
13	exchange and state adoption center	GPR	A	150,000	150,000
14	(dn) Food distribution grants	GPR	A	170,000	170,000
15	(eg) Adolescent services	GPR	A	115,000	592,400
16	(fm) Community alcohol and other drug				
17	abuse prevention program	GPR	A	250,000	-0-
18	(gb) National and community service				
19	board; gifts and grants	PR-F	C	-0-	-0-
20	(gx) Milwaukee child welfare services;				
21	collections	PR	C	2,400,000	2,400,000
22	(hh) Domestic abuse assessment grants	PR	C	300,000	300,000
23	(i) Gifts and grants	PR	C	-0-	-0-
24	(jb) Fees for administrative services	PR	C	20,000	20,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(jj) Searches for birth parents and				
2	adoption record information;				
3	foreign adopt	PR	A	60,800	60,800
4	(jm) Licensing activities	PR	A	758,000	758,300
5	(kc) Interagency and intra-agency aids;				
6	kinship care and long-term kinship				
7	care	PR-S	A	24,791,900	25,024,100
8	(kd) Kinship care and long-term kinship				
9	care assessments	PR-S	A	1,464,000	1,464,000
10	(kw) Interagency and intra-agency aids;				
11	Milwaukee child welfare services	PR-S	C	78,782,600	77,629,400
12	(kx) Interagency and intra-agency				
13	programs	PR-S	C	4,347,100	4,429,900
14	(ky) Interagency and intra-agency aids	PR-S	C	2,182,100	2,182,100
15	(kz) Interagency and intra-agency local				
16	assistance	PR-S	C	1,090,000	1,090,000
17	(m) Federal project operations	PR-F	C	270,200	270,300
18	(ma) Federal project aids	PR-F	C	1,593,300	1,468,300
19	(mb) Federal project local assistance	PR-F	C	-0-	-0-
20	(mc) Federal block grant operations	PR-F	C	2,313,000	2,051,200
21	(md) Federal block grant aids	PR-F	C	6,314,700	5,114,700
22	(me) Federal block grant local assistance	PR-F	C	250,000	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(mw) Federal aid; Milwaukee child				
2	welfare services general program				
3	operations	PR-F	C	4,617,400	4,891,000
4	(mx) Federal aid; Milwaukee child				
5	welfare services aids	PR-F	C	3,634,800	-0-
6	(n) Federal program operations	PR-F	C	4,158,500	4,944,700
7	(na) Federal program aids	PR-F	C	2,915,000	2,915,000
8	(nL) Federal program local assistance	PR-F	C	6,760,600	8,289,200
9	(o) Community aids; prevention				
10	activities	PR-F	C	2,710,100	2,710,100
11	(om) National and community service				
12	board; federal aid for				
13	administration	PR-F	A	169,300	169,300
14	(p) National and community service				
15	board; federal aid for grants	PR-F	C	1,500,000	1,500,000
16	(pd) Federal aid; state foster care and				
17	adoption services	PR-F	C	18,672,000	22,231,600
18	(pm) Federal aid; adoption incentive				
19	payments	PR-F	C	542,700	972,500
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			48,731,200	57,634,500
	PROGRAM REVENUE			172,618,100	172,886,500
	FEDERAL			(56,421,600)	(57,527,900)
	OTHER			(3,538,800)	(3,539,100)
	SERVICE			(112,657,700)	(111,819,500)
	TOTAL-ALL SOURCES			221,349,300	230,521,000

20 (4) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH CARE FINANCING

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) General program operations	GPR	A	7,290,700	7,353,300
2	(af) Health insurance risk-sharing				
3	plan; costs	GPR	A	9,900,000	9,900,000
4	(ah) HIRSP; premium and deductible				
5	reduction subsidy	GPR	B	780,800	780,800
6	(b) Medical assistance program				
7	benefits	GPR	B	967,221,300	1,001,629,700
8	(bc) Health care for low-income families	GPR	C	5,229,700	10,084,400
9	(bm) Medical assistance administration	GPR	B	18,500,500	17,513,100
10	(bt) Relief block grants to counties	GPR	A	2,000,000	2,000,000
11	(d) Facility appeals mechanism	GPR	A	546,800	2,076,600
12	(e) Disease aids	GPR	B	3,956,600	4,874,000
13	(g) Family care benefit; cost sharing	PR	C	1,774,800	5,568,300
14	(gh) Health insurance risk-sharing				
15	plan; premium reduction	PR	C	-0-	-0-
16	(gm) Health services regulation and vital				
17	statistics	PR	A	1,610,100	1,660,700
18	(gp) Health care; aids	PR	C	-0-	-0-
19	(h) General assistance medical				
20	program; intergovernmental				
21	transfer	PR	A	2,500,000	2,500,000
22	(hg) General program operations; health				
23	care information	PR	A	1,532,000	1,567,500
24	(hi) Compilations and special reports	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(i) Gifts and grants; health care				
2	financing	PR	C	-0-	-0-
3	(im) Medical assistance; recovery of				
4	correct payments	PR	C	14,502,700	14,502,700
5	(in) Community options program; costs				
6	of care recovery administration	PR	A	72,500	72,600
7	(jz) Badger care premiums	PR	C	3,089,700	5,364,100
8	(kb) Relief block grants to tribal				
9	governing bodies	PR-S	A	800,000	800,000
10	(kx) Interagency and intra-agency				
11	programs	PR-S	C	1,074,000	1,374,000
12	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
13	(kz) Interagency and intra-agency local				
14	assistance	PR-S	C	-0-	-0-
15	(m) Federal project operations	PR-F	C	347,500	338,500
16	(ma) Federal project aids	PR-F	C	-0-	-0-
17	(md) Federal block grant aids	PR-F	C	-0-	-0-
18	(n) Federal program operations	PR-F	C	22,347,800	22,481,200
19	(na) Federal program aids	PR-F	C	7,088,700	9,258,900
20	(o) Federal aid; medical assistance	PR-F	C	1,828,615,400	1,908,938,600
21	(p) Federal aid; medical assistance				
22	contracts administration	PR-F	C	51,398,400	63,394,500
23	(pa) Federal aid; health care for				
24	low-income families	PR-F	C	32,801,300	34,440,600

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(u) Health insurance risk-sharing				
2	plan; administration	SEG	A	102,700	102,700
(4) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			1,015,426,400	1,056,211,900
	PROGRAM REVENUE			1,969,554,900	2,072,262,200
	FEDERAL			(1,942,599,100)	(2,038,852,300)
	OTHER			(25,081,800)	(31,235,900)
	SERVICE			(1,874,000)	(2,174,000)
	SEGREGATED FUNDS			102,700	102,700
	OTHER			(102,700)	(102,700)
	TOTAL-ALL SOURCES			2,985,084,000	3,128,576,800
3	(5) PUBLIC HEALTH SVCS PLANNING, REG & DELIVERY; PUBLIC HLTH; AIDS/LOCAL ASSIST				
4	(am) Services, reimburse & payment				
5	related to acquired				
6	immunodeficiency syndrome	GPR	A	3,803,100	4,280,900
7	(cb) Health services for women and				
8	infants	GPR	A	3,805,200	3,607,800
9	(cc) Cancer treatment, training,				
10	follow-up, control and prevention	GPR	A	1,282,800	1,282,800
11	(ce) Services for homeless individuals	GPR	C	125,000	125,000
12	(ch) Emergency medical services; aids	GPR	A	2,200,000	2,200,000
13	(cm) Immunization	GPR	S	-0-	-0-
14	(de) Dental services	GPR	A	2,860,500	2,860,500
15	(dg) Tobacco prevention and education				
16	program	GPR	A	1,000,000	1,000,000
17	(ds) Statewide poison control program	GPR	A	375,000	375,000
18	(e) Disease aids	GPR	B	391,900	391,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ed) Radon aids	GPR	A	30,000	30,000
2	(ef) Lead poisoning or lead exposure				
3	services	GPR	A	1,004,100	1,004,100
4	(em) Supplemental food program for				
5	women, infants and children				
6	benefits	GPR	C	667,300	667,300
7	(er) Neonatal intensive care unit				
8	training grants	GPR	C	170,000	170,000
9	(i) Gifts and grants; aids	PR	C	-0-	-0-
10	(ja) Congenital disorders; diagnosis,				
11	special dietary treatment and				
12	counseling	PR	A	1,456,400	1,456,400
13	(ke) Cooperative American Indian				
14	health projects	PR-S	A	120,000	120,000
15	(ky) Interagency and intra-agency aids	PR-S	C	517,000	517,000
16	(kz) Interagency and intra-agency local				
17	assistance	PR-S	C	234,100	234,100
18	(ma) Federal project aids	PR-F	C	3,614,100	3,614,100
19	(md) Block grant aids	PR-F	C	9,174,000	9,174,000
20	(na) Federal program aids	PR-F	C	56,803,000	56,803,000
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			17,714,900	17,995,300
	PROGRAM REVENUE			71,918,600	71,918,600
	FEDERAL			(69,591,100)	(69,591,100)
	OTHER			(1,456,400)	(1,456,400)
	SERVICE			(871,100)	(871,100)
	TOTAL-ALL SOURCES			89,633,500	89,913,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(6) SUPPORTIVE LIVING; STATE OPERATIONS				
2	(a) General program operations;				
3	projects; council on physical				
4	disabilities	GPR	A	13,265,400	13,541,900
5	(dm) Nursing home monitoring and				
6	receivership supplement	GPR	S	-0-	-0-
7	(e) Principal repayment and interest	GPR	S	32,500	31,400
8	(ee) Admin. exp. for state suppl to				
9	federal supplemental security				
10	income program	GPR	A	859,800	859,800
11	(g) Nursing facility resident protection	PR	C	150,000	150,000
12	(ga) Community-based residential				
13	facility monitoring and receivership				
14	ops	PR	C	-0-	-0-
15	(gb) Alcohol and drug abuse initiatives	PR	C	733,800	733,800
16	(gd) Group home revolving loan fund	PR	A	100,000	100,000
17	(gg) Contractural services	PR	C	-0-	-0-
18	(hs) Interpreter services for hearing				
19	impaired	PR	A	40,000	40,000
20	(hx) Services related to drivers, receipts	PR	A	-0-	-0-
21	(i) Gifts and grants	PR	C	21,200	21,200
22	(jb) Fees for administrative services	PR	C	420,800	420,800
23	(jm) Licensing and support services	PR	A	2,708,000	3,099,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(k) Nursing home monitoring and				
2	receivership operations	PR-S	C	-0-	-0-
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	1,568,900	1,531,900
5	(m) Federal project operations	PR-F	C	4,392,200	4,263,700
6	(mc) Federal block grant operations	PR-F	C	2,138,200	2,099,800
7	(n) Federal program operations	PR-F	C	14,590,600	14,873,100
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,157,700	14,433,100
	PROGRAM REVENUE			26,863,700	27,333,300
	FEDERAL			(21,121,000)	(21,236,600)
	OTHER			(4,173,800)	(4,564,800)
	SERVICE			(1,568,900)	(1,531,900)
	TOTAL-ALL SOURCES			41,021,400	41,766,400
8	(7) SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE				
9	(b) Community aids	GPR	A	175,393,200	189,107,000
10	(bc) Grants for community programs	GPR	A	1,757,600	1,727,600
11	(bd) Community options program; pilot				
12	projects; family care benefit	GPR	A	103,982,800	103,990,200
13	(be) Mental health treatment services	GPR	A	12,334,000	12,334,000
14	(bg) Alzheimer's disease; training and				
15	information grants	GPR	A	132,700	132,700
16	(bL) Community support program				
17	grants	GPR	A	186,900	186,900
18	(bm) Purchased services for clients	GPR	A	163,900	163,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(bt) Early intervention services for				
2	infants and toddlers with				
3	disabilities	GPR	A	4,759,200	4,759,200
4	(c) Independent living centers	GPR	A	1,221,000	1,221,000
5	(ce) Services for homeless individuals	GPR	A	45,000	45,000
6	(cg) Guardianship grant program	GPR	A	193,600	193,600
7	(co) Integrated service programs for				
8	children with severe disabilities	GPR	A	133,300	133,300
9	(d) Telecommunication aid for the				
10	hearing impaired	GPR	A	80,000	80,000
11	(da) Reimbursements to local units of				
12	government	GPR	S	400,000	400,000
13	(dh) Programs for senior citizens; elder				
14	abuse services; benefit specialist				
15	pgm	GPR	A	10,161,100	10,161,100
16	(ed) State supplement to federal				
17	supplemental security income				
18	program	GPR	S	128,281,600	128,281,600
19	(gg) Collection remittances to local units				
20	of government	PR	C	100,000	100,000
21	(hy) Services for drivers, local assistance	PR	A	1,000,000	1,000,000
22	(i) Gifts and grants; local assistance	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(im) Community options program;				
2	family care benefit; recovery of				
3	costs	PR	C	15,000	15,000
4	(kb) Severely emotionally disturbed				
5	children	PR-S	C	1,242,300	1,242,300
6	(kc) Independent living center grants	PR-S	A	300,000	300,000
7	(kd) Rehabilitation teaching aids	PR-S	C	22,700	22,700
8	(kg) Compulsive gambling awareness				
9	campaigns	PR-S	A	250,000	250,000
10	(kL) Indian aids	PR-S	A	271,600	271,600
11	(km) Indian drug abuse prevention and				
12	education	PR-S	A	500,000	500,000
13	(kw) Interagency community aids	PR-S	A	31,800,000	18,086,200
14	(ky) Interagency and intra-agency aids	PR-S	C	9,511,500	11,464,700
15	(kz) Interagency and intra-agency local				
16	assistance	PR-S	C	15,973,800	15,954,000
17	(ma) Federal project aids	PR-F	C	12,471,500	12,471,500
18	(mb) Federal project local assistance	PR-F	C	-0-	-0-
19	(md) Federal block grant aids	PR-F	C	6,031,600	7,117,300
20	(me) Federal block grant local assistance	PR-F	C	10,728,700	10,528,700
21	(na) Federal program aids	PR-F	C	22,687,700	22,687,700
22	(nL) Federal program local assistance	PR-F	C	5,553,800	5,553,800
23	(o) Federal aid; community aids	PR-F	C	73,750,000	74,968,600

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01	
(7) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				439,225,900	452,917,100	
PROGRAM REVENUE				192,210,200	182,534,100	
FEDERAL				(131,223,300)	(133,327,600)	
OTHER				(1,115,000)	(1,115,000)	
SERVICE				(59,871,900)	(48,091,500)	
TOTAL-ALL SOURCES				631,436,100	635,451,200	
1	(8)	GENERAL ADMINISTRATION				
2	(a)	General program operations	GPR	A	16,417,800	16,514,600
3	(i)	Gifts and grants	PR	C	422,400	422,400
4	(k)	Administrative and support				
5		services	PR-S	A	32,599,000	34,806,700
6	(ka)	Information technology				
7		development projects	PR-S	A	-0-	-0-
8	(kx)	Interagency and intra-agency				
9		programs	PR-S	C	238,800	264,300
10	(ky)	Interagency and intra-agency aids	PR-S	C	-0-	-0-
11	(kz)	Interagency and intra-agency local				
12		assistance	PR-S	C	-0-	-0-
13	(m)	Federal project operations	PR-F	C	7,000	7,000
14	(ma)	Federal project aids	PR-F	C	-0-	-0-
15	(mb)	Income augmentation services				
16		receipts	PR-F	C	313,300	1,435,200
17	(mc)	Federal block grant operations	PR-F	C	1,561,700	1,406,900
18	(mm)	Reimbursements from federal				
19		government	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Federal program operations	PR-F	C	3,744,800	2,367,900
2	(pz) Indirect cost reimbursements	PR-F	C	1,989,100	1,981,000
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			16,417,800	16,514,600
	PROGRAM REVENUE			40,876,100	42,691,400
	FEDERAL			(7,615,900)	(7,198,000)
	OTHER			(422,400)	(422,400)
	SERVICE			(32,837,800)	(35,071,000)
	TOTAL-ALL SOURCES			57,293,900	59,206,000
20.435 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,642,949,000	1,715,373,200
	PROGRAM REVENUE			2,656,133,000	2,754,990,300
	FEDERAL			(2,249,376,900)	(2,349,475,400)
	OTHER			(189,614,900)	(198,423,200)
	SERVICE			(217,141,200)	(207,091,700)
	SEGREGATED FUNDS			433,700	513,700
	OTHER			(433,700)	(513,700)
	TOTAL-ALL SOURCES			4,299,515,700	4,470,877,200
3	20.440 Health and educational facilities authority				
4	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
5	(a) General program operations	GPR	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
6	(2) RURAL HOSPITAL LOAN GUARANTEE				
7	(a) Rural assistance loan fund	GPR	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
20.440 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	20.445 Workforce development, department of				
2	(1) WORKFORCE DEVELOPMENT				
3	(a) General program operations	GPR	A	6,971,000	6,971,000
4	(aa) Special death benefit	GPR	S	479,100	479,100
5	(bc) Assistance for dislocated workers	GPR	A	-0-	-0-
6	(cm) Wisconsin service corps member				
7	compensation and support	GPR	C	94,300	94,300
8	(f) Death and disability benefit				
9	payments; public insurrections	GPR	S	-0-	-0-
10	(fg) Employment transit aids, state				
11	funds	GPR	A	579,100	579,100
12	(g) Gifts and grants	PR	C	-0-	100
13	(ga) Auxiliary services	PR	C	586,500	586,500
14	(gb) Local agreements	PR	C	5,793,900	5,418,300
15	(gc) Unemployment administration	PR	C	-0-	-0-
16	(gd) Unemployment interest and				
17	penalty payments	PR	C	246,000	246,000
18	(ge) Unemployment reserve fund				
19	research	PR	A	263,700	251,500
20	(gf) Employment security				
21	administration	PR	A	1,566,100	1,525,900
22	(gg) Unemployment information				
23	technology systems; interest and				
24	penalties	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gh) Unemployment information				
2	technology systems; assessments	PR	C	1,000,700	1,400
3	(ha) Worker's compensation operations	PR	A	9,495,500	9,561,300
4	(hb) Worker's compensation contracts	PR	C	500,000	500,000
5	(hp) Uninsured employers program;				
6	administration	PR	A	926,400	897,000
7	(jm) Dislocated worker program grants	PR	C	-0-	-0-
8	(jr) Wisconsin service corps member				
9	compensation & support; sponsor				
10	contribution	PR	C	-0-	-0-
11	(ka) Interagency and intra-agency				
12	agreements	PR-S	C	281,100	131,200
13	(kc) Administrative services	PR-S	A	45,424,700	45,538,100
14	(kd) Information technology				
15	development projects	PR-S	A	-0-	-0-
16	(km) Wisconsin service corps member				
17	compensation and support; service				
18	funds	PR-S	C	-0-	-0-
19	(kr) Employment transit aids, federal				
20	oil overcharge funds	PR-F	C	-0-	-0-
21	(L) Childsupport - related fees	PR	C	-0-	-0-
22	(m) Federal funds	PR-F	C	1,958,700	1,460,100
23	(ma) Federal aid — program				
24	administration	PR-F	C	3,076,100	3,081,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(mb) Federal aid — employment and				
2	training local assistance	PR-F	C	1,186,900	1,149,700
3	(mc) Federal aid — employment and				
4	training aids	PR-F	C	20,497,000	19,882,200
5	(n) Unemployment administration;				
6	federal moneys	PR-F	C	81,860,400	76,060,700
7	(na) Employment security buildings and				
8	equipment	PR-F	C	99,300	99,300
9	(nb) Unemployment information				
10	technology systems; federal moneys	PR-F	C	-0-	-0-
11	(ox) Employment transit aids, federal				
12	funds	PR-F	C	-0-	-0-
13	(pz) Indirect cost reimbursements	PR-F	C	234,000	234,000
14	(s) Self-insured employers liability				
15	fund	SEG	C	-0-	-0-
16	(sm) Uninsured employers fund;				
17	payments	SEG	S	1,200,000	1,200,000
18	(t) Work injury supplemental benefit				
19	fund	SEG	C	2,500,000	2,500,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,123,500	8,123,500
	PROGRAM REVENUE			174,997,000	166,625,200
	FEDERAL			(108,912,400)	(101,967,900)
	OTHER			(20,378,800)	(18,988,000)
	SERVICE			(45,705,800)	(45,669,300)
	SEGREGATED FUNDS			3,700,000	3,700,000
	OTHER			(3,700,000)	(3,700,000)
	TOTAL-ALL SOURCES			186,820,500	178,448,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(2) REVIEW COMMISSION				
2	(a) General program operations, review				
3	commission	GPR	A	186,500	186,500
4	(ha) Worker's compensation operations	PR	A	582,500	551,900
5	(m) Federal moneys	PR-F	C	121,600	115,200
6	(n) Unemployment administration;				
7	federal moneys	PR-F	C	1,579,900	1,501,600
	(2) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			186,500	186,500
	PROGRAM REVENUE			2,284,000	2,168,700
	FEDERAL			(1,701,500)	(1,616,800)
	OTHER			(582,500)	(551,900)
	TOTAL-ALL SOURCES			2,470,500	2,355,200
8	(3) ECONOMIC SUPPORT				
9	(a) General program operations	GPR	A	32,059,900	31,978,900
10	(br) Public assistance reform studies	GPR	C	525,300	525,300
11	(cm) Wisconsin works child care	GPR	A	16,449,400	16,449,400
12	(cr) State supplement to employment				
13	opportunity demonstration projects	GPR	A	250,000	250,000
14	(dc) Emergency assistance program	GPR	A	1,659,700	1,659,700
15	(dz) Wisconsin works and other public				
16	assistance administration and				
17	benefits	GPR	A	143,969,000	144,053,600
18	(e) Job access loans	GPR	B	450,000	450,000
19	(em) Employment skills advancement				
20	program	GPR	A	50,000	50,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(i) Gifts and grants	PR	C	15,900	15,900
2	(ja) Child support state operations-fees	PR	C	5,135,700	5,185,700
3	(jb) Fees for administrative services	PR	C	483,700	485,800
4	(jL) Job access loan repayments	PR	C	150,000	150,000
5	(k) Child support transfers	PR-S	C	33,916,900	33,916,900
6	(kp) Delinquent support and maintenance				
7	payments	PR-S	C	-0-	-0-
8	(kx) Interagency and intra-agency				
9	programs	PR-S	C	871,700	871,800
10	(ky) Interagency and intra-agency aids	PR-S	C	20,000,000	20,000,000
11	(kz) Interagency and intra-agency local				
12	assistance	PR-S	C	-0-	-0-
13	(L) Welfare fraud and error reductions;				
14	state operations	PR	A	906,300	911,200
15	(Lm) Welfare fraud and error reduction;				
16	local assistance	PR	C	1,469,800	1,469,800
17	(m) Federal project operations	PR-F	C	4,951,000	4,951,000
18	(ma) Federal project aids	PR-F	C	330,000	330,000
19	(mb) Federal project local assistance	PR-F	C	-0-	-0-
20	(mc) Federal block grant operations	PR-F	A	41,037,200	38,958,300
21	(md) Federal block grant aids	PR-F	A	442,008,600	461,311,900
22	(mm) Reimbursements from federal				
23	government	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Federal program operations	PR-F	C	43,744,100	43,724,700
2	(na) Federal program aids	PR-F	C	4,000,000	4,000,000
3	(nL) Federal program local assistance	PR-F	C	56,570,900	53,860,100
4	(pm) Food stamp employment and				
5	training program; administration	PR-F	C	403,500	403,600
6	(ps) Food stamp employment and				
7	training program; aids	PR-F	C	7,510,600	7,510,600
8	(pv) Food stamps; electronic benefit				
9	transfer	PR-F	C	-0-	-0-
10	(pz) Income augmentation services				
11	receipts	PR-F	C	-0-	-0-
12	(q) Centralized support receipt and				
13	disbursement; interest	SEG	S	550,600	563,500
14	(r) Support receipt and disbursement				
15	program; payments	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			195,413,300	195,416,900
	PROGRAM REVENUE			663,505,900	678,057,300
	FEDERAL			(600,555,900)	(615,050,200)
	OTHER			(8,161,400)	(8,218,400)
	SERVICE			(54,788,600)	(54,788,700)
	SEGREGATED FUNDS			550,600	563,500
	OTHER			(550,600)	(563,500)
	TOTAL-ALL SOURCES			859,469,800	874,037,700
16	(4) ADJUDICATION OF CLAIMS				
17	(a) Administration of mining damage				
18	claims	GPR	A	-0-	-0-
19	(b) Funding for mining damage claims	GPR	S	-0-	-0-

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01	
(4) P R O G R A M T O T A L S						
GENERAL PURPOSE REVENUES				-0-	-0-	
TOTAL-ALL SOURCES				-0-	-0-	
1	(5)	VOCATIONAL REHABILITATION SERVICES				
2	(a)	General program operations	GPR	A	5,178,700	5,178,700
3	(bm)	Purchased services for clients	GPR	A	5,354,500	5,354,500
4	(gg)	Contractual services	PR	C	29,100	29,100
5	(gp)	Contractual services aids	PR	C	1,662,000	1,662,000
6	(h)	Enterprises and services for blind				
7		and visually impaired	PR	C	129,000	129,000
8	(hd)	Rehabilitation teaching aids	PR	A	-0-	-0-
9	(he)	Supervised business enterprise	PR	C	150,000	150,000
10	(i)	Gifts and grants	PR	C	10,100	10,100
11	(kg)	Vocational rehabilitation services				
12		for tribes	PR-S	A	350,000	350,000
13	(kx)	Interagency and intra-agency				
14		programs	PR-S	C	222,300	215,900
15	(ky)	Interagency and intra-agency aids	PR-S	C	727,100	827,100
16	(kz)	Interagency and intra-agency local				
17		assistance	PR-S	C	-0-	-0-
18	(m)	Federal project operations	PR-F	C	462,400	462,400
19	(ma)	Federal project aids	PR-F	C	675,000	700,000
20	(n)	Federal program operations	PR-F	C	21,356,200	21,411,100
21	(na)	Federal program aids	PR-F	C	28,834,300	28,834,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(nL) Federal program local assistance	PR-F	C	-0-	-0-
	(5) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			10,533,200	10,533,200
	PROGRAM REVENUE			54,607,500	54,781,000
	FEDERAL			(51,327,900)	(51,407,800)
	OTHER			(1,980,200)	(1,980,200)
	SERVICE			(1,299,400)	(1,393,000)
	TOTAL-ALL SOURCES			65,140,700	65,314,200
2	(6) WISCONSIN CONSERVATION CORPS				
3	(b) General enrollee operations	GPR	B	1,225,600	1,225,600
4	(bm) General enrollee operations				
5	supplement	GPR	B	281,100	281,100
6	(c) Administrative support; general				
7	program operations	GPR	A	230,700	233,100
8	(j) General enrollee operations;				
9	sponsor contribution	PR	C	-0-	-0-
10	(ja) Administrative support; sponsor				
11	contribution	PR	C	-0-	-0-
12	(jb) Gifts and related support	PR	C	-0-	-0-
13	(k) General enrollee operations; service				
14	funds	PR-S	C	455,900	455,900
15	(ka) Information technology				
16	development projects	PR-S	A	-0-	-0-
17	(kb) Administrative support; service				
18	funds	PR-S	C	46,800	44,500
19	(m) General enrollee operations; federal				
20	funds	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Administrative support; federal				
2	funds	PR-F	C	-0-	-0-
3	(u) General enrollee operations;				
4	conservation fund	SEG	B	2,889,500	2,996,600
5	(w) General enrollee operations;				
6	environmental fund	SEG	B	76,700	76,700
7	(x) General enrollee operations;				
8	waterfront projects; conservation				
9	fund	SEG	B	141,700	141,700
10	(y) Administrative support;				
11	conservation fund	SEG	A	466,200	470,900
(6) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,737,400	1,739,800
	PROGRAM REVENUE			502,700	500,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(502,700)	(500,400)
	SEGREGATED FUNDS			3,574,100	3,685,900
	OTHER			(3,574,100)	(3,685,900)
	TOTAL-ALL SOURCES			5,814,200	5,926,100
12	(7) GOVERNOR'S WORK-BASED LEARNING BOARD				
13	(a) General program operations	GPR	A	688,400	688,400
14	(b) Local youth apprenticeship grants	GPR	A	1,150,000	1,150,000
15	(c) Technical college system challenge				
16	grants	GPR	A	1,100,000	2,200,000
17	(ef) School-to-work programs for				
18	children at risk	GPR	A	300,000	300,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(em) Youth apprenticeship training				
2	grants	GPR	A	-0-	-0-
3	(k) Career counseling center grants	PR-S	A	300,000	300,000
4	(kb) Funds transferred from the				
5	technical college system board;				
6	school-to-work	PR-S	C	2,293,500	2,293,500
7	(kc) Transfer of public assistance funds;				
8	work-based learning programs	PR-S	C	2,981,800	6,084,500
9	(kx) Interagency and intra-agency				
10	programs	PR-S	C	-0-	-0-
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,238,400	4,338,400
	PROGRAM REVENUE			5,575,300	8,678,000
	SERVICE			(5,575,300)	(8,678,000)
	TOTAL-ALL SOURCES			8,813,700	13,016,400
20.445 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			219,232,300	220,338,300
	PROGRAM REVENUE			901,472,400	910,810,600
	FEDERAL			(762,497,700)	(770,042,700)
	OTHER			(31,102,900)	(29,738,500)
	SERVICE			(107,871,800)	(111,029,400)
	SEGREGATED FUNDS			7,824,700	7,949,400
	OTHER			(7,824,700)	(7,949,400)
	TOTAL-ALL SOURCES			1,128,529,400	1,139,098,300
11	20.455 Justice, department of				
12	(1) LEGAL SERVICES				
13	(a) General program operations	GPR	A	12,525,100	12,531,100
14	(b) Special counsel	GPR	S	1,100,000	1,100,000
15	(d) Legal expenses	GPR	B	931,400	931,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(gh) Investigations and prosecution	PR	A	-0-	-0-
2	(gs) Delinquent obligation collection	PR	A	66,300	66,300
3	(hm) Restitution	PR	C	-0-	-0-
4	(k) Environment litigation project	PR-S	C	352,600	352,700
5	(kc) Indian law legal services	PR-S	A	81,100	93,700
6	(km) Interagency and intra-agency				
7	assistance	PR-S	A	393,100	393,100
8	(m) Federal aid	PR-F	C	609,500	606,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			14,556,500	14,562,500
	PROGRAM REVENUE			1,502,600	1,511,800
	FEDERAL			(609,500)	(606,000)
	OTHER			(66,300)	(66,300)
	SERVICE			(826,800)	(839,500)
	TOTAL-ALL SOURCES			16,059,100	16,074,300
9	(2) LAW ENFORCEMENT SERVICES				
10	(a) General program operations	GPR	A	12,918,400	12,960,200
11	(am) Officer training reimbursement	GPR	S	50,000	50,000
12	(b) Investigations and operations	GPR	A	-0-	-0-
13	(c) Crime laboratory equipment	GPR	B	-0-	-0-
14	(cm) Computers for transaction				
15	information for management of				
16	enforcement system	GPR	A	1,062,800	1,062,800
17	(dg) Weed and seed and law				
18	enforcement technology	GPR	A	500,000	500,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(dq) Law enforcement community				
2	policing grants	GPR	B	-0-	-0-
3	(e) Drug enforcement	GPR	A	-0-	-0-
4	(g) Gaming law enforcement; racing				
5	revenues	PR	A	97,600	97,800
6	(gc) Gaming law enforcement; Indian				
7	gaming	PR	A	99,300	99,700
8	(gm) Criminal history searches;				
9	fingerprint identification	PR	C	2,718,900	2,719,000
10	(gr) Gun purchaser record checks	PR	C	363,500	364,300
11	(h) Terminal charges	PR	A	2,720,200	2,805,400
12	(k) Interagency and intra-agency				
13	assistance; investigations	PR-S	C	1,423,800	747,000
14	(kd) Drug law enforcement and crime				
15	laboratories	PR-S	A	2,031,300	2,037,300
16	(ke) Drug enforcement intelligence				
17	operations	PR-S	A	1,265,700	1,266,600
18	(kg) Interagency and intra-agency				
19	assistance; fingerprint				
20	identification	PR-S	A	-0-	-0-
21	(km) Lottery background investigations	PR-S	A	-0-	-0-
22	(kp) Law enforcement training fund,				
23	local assistance	PR-S	A	3,635,500	3,715,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(kq) Law enforcement training fund,				
2	state operations	PR-S	A	2,515,700	2,570,000
3	(kr) Crime laboratory equipment and				
4	supplies	PR-S	A	377,300	377,300
5	(kt) County-tribal programs, local				
6	assistance	PR-S	A	708,400	708,400
7	(ku) County-tribal programs, state				
8	operations	PR-S	A	50,500	50,500
9	(Lm) Crime laboratories;				
10	deoxyribonucleic acid analysis	PR	C	490,500	492,100
11	(m) Federal aid, state operations	PR-F	C	83,000	85,100
12	(ma) Federal aid, drug enforcement	PR-F	C	-0-	-0-
13	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
14	(r) Gaming law enforcement; lottery				
15	revenues	SEG	A	226,000	226,700
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			14,531,200	14,573,000
	PROGRAM REVENUE			18,581,200	18,136,000
	FEDERAL			(83,000)	(85,100)
	OTHER			(6,490,000)	(6,578,300)
	SERVICE			(12,008,200)	(11,472,600)
	SEGREGATED FUNDS			226,000	226,700
	OTHER			(226,000)	(226,700)
	TOTAL-ALL SOURCES			33,338,400	32,935,700
16	(3) ADMINISTRATIVE SERVICES				
17	(a) General program operations	GPR	A	4,080,700	4,080,700
18	(g) Gifts, grants and proceeds	PR	C	89,900	89,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(k) Interagency and intra-agency				
2	assistance	PR-S	A	-0-	-0-
3	(ka) Information technology				
4	development projects	PR-S	A	-0-	-0-
5	(m) Federal aid, state operations	PR-F	C	-0-	-0-
6	(pz) Indirect cost reimbursements	PR-F	C	80,600	80,600
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,080,700	4,080,700
	PROGRAM REVENUE			170,500	170,500
	FEDERAL			(80,600)	(80,600)
	OTHER			(89,900)	(89,900)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			4,251,200	4,251,200
7	(5) VICTIMS AND WITNESSES				
8	(a) General program operations	GPR	A	866,000	869,900
9	(b) Awards for victims of crimes	GPR	A	1,324,200	1,324,200
10	(c) Reimbursement for victim and				
11	witness services	GPR	A	1,497,100	1,497,100
12	(g) Crime victim and witness				
13	assistance surcharge, general				
14	services	PR	A	2,080,900	2,152,300
15	(gc) Crime victim & witness surchg,				
16	sexual assault victim svcs & reimb				
17	to cnties	PR	C	1,500,000	2,000,000
18	(h) Crime victim compensation services	PR	A	38,900	38,900
19	(i) Victim compensation, inmate				
20	payments	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(k) Interagency and intra-agency				
2	assistance; reimbursement to				
3	counties	PR-S	A	961,700	961,700
4	(kj) Victim payments, victim surcharge	PR-S	A	488,800	488,800
5	(kk) Reimbursement to counties for				
6	providing victim and witness				
7	services	PR-S	C	-0-	-0-
8	(kp) Reimbursement to counties for				
9	victim-witness services	PR-S	A	660,800	773,000
10	(m) Federal aid; victim compensation	PR-F	C	643,900	643,900
11	(ma) Federal aid, state operations	PR-F	C	92,700	123,600
12	(mh) Federal aid; victim assistance	PR-F	C	4,642,100	4,020,700
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,687,300	3,691,200
	PROGRAM REVENUE			11,109,800	11,202,900
	FEDERAL			(5,378,700)	(4,788,200)
	OTHER			(3,619,800)	(4,191,200)
	SERVICE			(2,111,300)	(2,223,500)
	TOTAL-ALL SOURCES			14,797,100	14,894,100
	20.455 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			36,855,700	36,907,400
	PROGRAM REVENUE			31,364,100	31,021,200
	FEDERAL			(6,151,800)	(5,559,900)
	OTHER			(10,266,000)	(10,925,700)
	SERVICE			(14,946,300)	(14,535,600)
	SEGREGATED FUNDS			226,000	226,700
	OTHER			(226,000)	(226,700)
	TOTAL-ALL SOURCES			68,445,800	68,155,300
13	20.465 Military affairs, department of				
14	(1) NATIONAL GUARD OPERATIONS				
15	(a) General program operations	GPR	A	4,689,600	4,694,800

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(b) Repair and maintenance	GPR	A	650,400	650,400
2	(c) Public emergencies	GPR	S	48,500	48,500
3	(d) Principal repayment and interest	GPR	S	2,792,200	2,855,400
4	(e) State service flags	GPR	A	400	400
5	(f) Energy costs	GPR	A	1,518,800	1,518,800
6	(g) Military property	PR	A	396,600	396,600
7	(h) Intergovernmental services	PR	A	194,900	194,900
8	(k) Armory store operations	PR-S	A	237,600	237,600
9	(km) Agency services	PR-S	A	68,300	68,300
10	(kn) Information technology				
11	development projects; national				
12	guard	PR-S	A	-0-	-0-
13	(Li) Gifts and grants	PR	C	-0-	-0-
14	(m) Federal aid	PR-F	C	16,474,500	16,474,500
15	(pz) Indirect cost reimbursements	PR-F	C	454,200	454,200

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	9,699,900	9,768,300
PROGRAM REVENUE	17,826,100	17,826,100
FEDERAL	(16,928,700)	(16,928,700)
OTHER	(591,500)	(591,500)
SERVICE	(305,900)	(305,900)
TOTAL-ALL SOURCES	27,526,000	27,594,400

16 (2) GUARD MEMBERS' BENEFITS

17	(a) Tuition grants	GPR	A	3,589,400	3,589,400
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(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	3,589,400	3,589,400
TOTAL-ALL SOURCES	3,589,400	3,589,400

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(3) EMERGENCY MANAGEMENT SERVICES				
2	(a) General program operations	GPR	A	557,000	557,000
3	(c) Helicopter support services	GPR	A	150,000	150,000
4	(dd) Regional emergency response				
5	teams	GPR	A	1,577,400	1,400,000
6	(dh) Hazardous substance emergency				
7	response; administration	GPR	A	91,100	91,100
8	(dp) Emergency response equipment	GPR	A	568,000	568,000
9	(dr) Emergency response supplement	GPR	C	-0-	-0-
10	(dt) Emergency response training	GPR	B	64,900	64,900
11	(e) Disaster recovery aid	GPR	S	881,200	881,200
12	(f) Civil air patrol aids	GPR	A	19,000	19,000
13	(g) Program services	PR	A	1,050,700	1,043,700
14	(i) Emergency planning and reporting;				
15	administration	PR	A	674,500	674,500
16	(j) Division of emergency				
17	management; gifts and grants	PR	C	-0-	-0-
18	(jm) Division of emergency				
19	management; emergency planning				
20	grants	PR	C	834,700	834,700
21	(jt) Regional emergency response				
22	reimbursement	PR	C	-0-	-0-
23	(m) Federal aid, state operations	PR-F	C	1,300,600	1,269,800

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(n) Federal aid, local assistance	PR-F	C	7,387,000	7,387,000
2	(o) Federal aid, individuals and				
3	organizations	PR-F	C	1,348,600	1,348,600
4	(r) Division of emergency				
5	management; petroleum inspection				
6	fund	SEG	A	465,700	465,700
7	(t) Emergency response training -				
8	environmental fund	SEG	B	1,700	10,500
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,908,600	3,731,200
	PROGRAM REVENUE			12,596,100	12,558,300
	FEDERAL			(10,036,200)	(10,005,400)
	OTHER			(2,559,900)	(2,552,900)
	SEGREGATED FUNDS			467,400	476,200
	OTHER			(467,400)	(476,200)
	TOTAL-ALL SOURCES			16,972,100	16,765,700
9	(4) NATIONAL GUARD YOUTH PROGRAMS				
10	(c) Youth challenge program	GPR	A	843,700	983,700
11	(g) Program fees	PR	C	-0-	-0-
12	(h) Gifts, grants and contributions	PR	C	-0-	-0-
13	(k) Interagency assistance; badger				
14	challenge program	PR-S	C	332,700	332,700
15	(m) Federal aid - youth programs	PR-F	C	1,971,000	1,831,000
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			843,700	983,700
	PROGRAM REVENUE			2,303,700	2,163,700
	FEDERAL			(1,971,000)	(1,831,000)
	OTHER			(-0-)	(-0-)
	SERVICE			(332,700)	(332,700)
	TOTAL-ALL SOURCES			3,147,400	3,147,400

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
20.465 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			18,041,600	18,072,600
PROGRAM REVENUE			32,725,900	32,548,100
FEDERAL			(28,935,900)	(28,765,100)
OTHER			(3,151,400)	(3,144,400)
SERVICE			(638,600)	(638,600)
SEGREGATED FUNDS			467,400	476,200
OTHER			(467,400)	(476,200)
TOTAL-ALL SOURCES			51,234,900	51,096,900

1 **20.475 District attorneys**

2 (1) DISTRICT ATTORNEYS

3 (d) Salaries and fringe benefits GPR A 32,776,800 32,776,800

4 (h) Gifts and grants PR C 1,616,300 1,616,300

5 (i) Other employes PR A 169,600 174,700

6 (k) Interagency and intra-agency

7 assistance PR-S C 96,400 -0-

8 (m) Federal aid PR-F C -0- -0-

20.475 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			32,776,800	32,776,800
PROGRAM REVENUE			1,882,300	1,791,000
FEDERAL			(-0-)	(-0-)
OTHER			(1,785,900)	(1,791,000)
SERVICE			(96,400)	(-0-)
TOTAL-ALL SOURCES			34,659,100	34,567,800

9 **20.485 Veterans affairs, department of**

10 (1) HOMES FOR VETERANS

11 (b) General fund supplement to

12 institutional operations GPR B -0- -0-

13 (d) Cemetery maintenance and

14 beautification GPR A 24,900 24,900

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(e) Lease rental payments	GPR	S	-0-	-0-
2	(f) Principal repayment and interest	GPR	S	1,433,200	1,445,100
3	(g) Home exchange	PR	A	236,900	248,800
4	(gd) Veterans home cemetery operations	PR	C	4,500	4,500
5	(gk) Institutional operations	PR	A	35,719,700	35,837,600
6	(go) Self-amortizing housing facilities;				
7	principal repayment and interest	PR	S	-0-	56,700
8	(h) Gifts and bequests	PR	C	214,700	214,700
9	(hm) Gifts and grants	PR	C	-0-	-0-
10	(i) State-owned housing maintenance	PR	A	65,700	65,700
11	(j) Geriatric program receipts	PR	C	112,400	112,400
12	(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
13	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
14	(mn) Federal projects	PR-F	C	12,500	12,500
15	(t) Veterans home member accounts	SEG	C	-0-	-0-
16	(u) Rentals; improvements; equipment;				
17	land acquisition	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,458,100	1,470,000
	PROGRAM REVENUE			36,366,400	36,552,900
	FEDERAL			(12,500)	(12,500)
	OTHER			(36,353,900)	(36,540,400)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			37,824,500	38,022,900
18	(2) LOANS AND AIDS TO VETERANS				

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(b) Wisconsin veterans museum space				
2	rental	GPR	A	353,900	353,900
3	(c) Operation of Wisconsin veterans				
4	museum	GPR	A	478,000	478,000
5	(d) Veterans memorials at The				
6	Highground	GPR	C	-0-	-0-
7	(db) General fund supplement to				
8	veterans trust fund	GPR	A	-0-	-0-
9	(e) Veterans memorial grants	GPR	C	-0-	-0-
10	(em) Payments related to The				
11	Highground	GPR	C	-0-	-0-
12	(g) Consumer reporting agency fees	PR	C	-0-	-0-
13	(ka) Information technology				
14	development projects	PR-S	A	-0-	-0-
15	(kg) American Indian services				
16	coordinator	PR-S	A	51,900	58,000
17	(km) American Indian grants	PR-S	A	15,000	10,000
18	(m) Federal aid projects	PR-F	C	187,000	183,000
19	(mg) Federal aid; veterans training	PR-F	C	222,900	224,900
20	(mn) Federal projects; museum				
21	acquisitions and operations	PR-F	C	-0-	-0-
22	(rm) Veterans assistance program	SEG	B	1,672,200	1,508,300
23	(rp) Veterans assistance program				
24	receipts	SEG	A	80,000	80,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(tf) Veterans' tuition and fee				
2	reimbursement program	SEG	A	1,885,000	1,885,000
3	(th) Correspondence courses and				
4	part-time classroom study	SEG	A	771,800	771,800
5	(tj) Retraining grant program	SEG	A	500,000	500,000
6	(tm) Facilities	SEG	C	-0-	-0-
7	(u) Administration of loans and aids to				
8	veterans	SEG	A	3,320,500	3,017,600
9	(v) Wisconsin veterans museum sales				
10	receipts	SEG	C	154,200	154,200
11	(vg) Health care aid grants	SEG	A	1,200,000	1,200,000
12	(vm) Subsistence grants	SEG	A	276,000	300,600
13	(vo) Veterans of World War I	SEG	A	2,500	2,500
14	(vw) Payments to veterans organizations				
15	for claims service	SEG	A	75,000	75,000
16	(vx) County grants	SEG	A	292,800	292,800
17	(w) Home for needy veterans	SEG	C	10,000	10,000
18	(wd) Operation of Wisconsin veterans				
19	museum	SEG	A	574,000	491,300
20	(x) Federal per diem payments	SEG-F	C	217,800	295,000
21	(yg) Acquisition of 1981 revenue bond				
22	mortgages	SEG	S	-0-	-0-
23	(yn) Veterans trust fund loans and				
24	expenses	SEG	B	15,450,000	15,450,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(yo) Debt payment	SEG	S	262,500	1,511,300
2	(z) Gifts	SEG	C	-0-	-0-
3	(zm) Museum gifts and bequests	SEG	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			831,900	831,900
	PROGRAM REVENUE			476,800	475,900
	FEDERAL			(409,900)	(407,900)
	OTHER			(-0-)	(-0-)
	SERVICE			(66,900)	(68,000)
	SEGREGATED FUNDS			26,744,300	27,545,400
	FEDERAL			(217,800)	(295,000)
	OTHER			(26,526,500)	(27,250,400)
	TOTAL-ALL SOURCES			28,053,000	28,853,200
4	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
5	(b) Self insurance	GPR	S	-0-	-0-
6	(e) General program deficiency	GPR	S	-0-	-0-
7	(q) Foreclosure loss payments	SEG	C	801,000	801,000
8	(r) Funded reserves	SEG	C	50,000	50,000
9	(rm) Other reserves	SEG	C	-0-	-0-
10	(s) General program operations	SEG	A	4,720,900	4,413,400
11	(sm) County grants	SEG	A	439,200	439,200
12	(t) Debt service	SEG	C	71,080,000	76,633,900
13	(v) Revenue obligation repayment	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			77,091,100	82,337,500
	OTHER			(77,091,100)	(82,337,500)
	TOTAL-ALL SOURCES			77,091,100	82,337,500
14	(4) VETERANS MEMORIAL CEMETERIES				

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(g) Cemetery operations	PR	A	84,400	87,700
2	(h) Gifts, grants and bequests	PR	C	-0-	-0-
3	(m) Federal aid; cemetery operations				
4	and burials	PR-F	C	26,700	44,900
5	(q) Cemetery administration and				
6	maintenance	SEG	A	699,600	553,300
7	(qm) Repayment of principal and				
8	interest	SEG	S	10,800	10,700
9	(r) Cemetery energy costs	SEG	A	11,800	21,800
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			111,100	132,600
	FEDERAL			(26,700)	(44,900)
	OTHER			(84,400)	(87,700)
	SEGREGATED FUNDS			722,200	585,800
	OTHER			(722,200)	(585,800)
	TOTAL-ALL SOURCES			833,300	718,400
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,290,000	2,301,900
	PROGRAM REVENUE			36,954,300	37,161,400
	FEDERAL			(449,100)	(465,300)
	OTHER			(36,438,300)	(36,628,100)
	SERVICE			(66,900)	(68,000)
	SEGREGATED FUNDS			104,557,600	110,468,700
	FEDERAL			(217,800)	(295,000)
	OTHER			(104,339,800)	(110,173,700)
	TOTAL-ALL SOURCES			143,801,900	149,932,000
10	20.490 Wisconsin housing and economic development authority				
11	(1) FACILITATION OF CONSTRUCTION				
12	(a) Capital reserve fund deficiency	GPR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(2) HOUSING REHABILITATION LOAN PROGRAM				
2	(a) General program operations	GPR	C	-0-	-0-
3	(q) Loan loss reserve fund	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
5	(g) Disadvantaged business				
6	mobilization loan guarantee	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
7	(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
8	(a) Wisconsin development reserve				
9	fund	GPR	C	-0-	-0-
10	(kp) Indian gaming transfer to				
11	Wisconsin development reserve				
12	fund	PR-S	C	2,500,000	-0-
13	(q) Recycling fund transfer to				
14	Wisconsin development reserve				
15	fund	SEG	C	-0-	-0-
16	(r) Agrichemical management fund				
17	transfer to Wisconsin development				
18	reserve fd.	SEG	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(s) Petroleum inspection fund transfer				
2	to WDRF	SEG	A	-0-	-0-
3	(t) Recycling fund transfer for				
4	brownfields remediation	SEG	C	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			2,500,000	-0-
	SERVICE			(2,500,000)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,500,000	-0-
5	(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
6	(a) Wisconsin job training reserve fund	GPR	S	-0-	-0-
7	(k) Department of commerce				
8	appropriation transfer to Wisconsin				
9	job training	PR-S	C	-0-	-0-
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
10	(7) BIOTECHNOLOGY DEVELOPMENT FINANCE COMPANY				
11	(a) Start-up capital and				
12	administrative expenses	GPR	B	1,000,000	-0-
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,000,000	-0-
	TOTAL-ALL SOURCES			1,000,000	-0-
	20.490 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,000,000	-0-
	PROGRAM REVENUE			2,500,000	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(2,500,000)	(-0-)
	SEGREGATED FUNDS			-0-	-0-

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			3,500,000	-0-

1 **20.495 University of Wisconsin hospitals and clinics board**

2 (1) CONTRACTUAL SERVICES

3 (g) General program operations PR C 61,962,900 64,427,400

20.495 DEPARTMENT TOTALS

PROGRAM REVENUE			61,962,900	64,427,400
OTHER			(61,962,900)	(64,427,400)
TOTAL-ALL SOURCES			61,962,900	64,427,400

Human Relations and Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			2,653,064,800	2,809,813,100
PROGRAM REVENUE			3,870,548,000	3,980,169,700
FEDERAL			(3,047,900,900)	(3,154,797,900)
OTHER			(427,540,200)	(437,869,900)
SERVICE			(395,106,900)	(387,501,900)
SEGREGATED FUNDS			114,069,400	120,244,700
FEDERAL			(217,800)	(295,000)
OTHER			(113,851,600)	(119,949,700)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			6,637,682,200	6,910,227,500

General Executive Functions4 **20.505 Administration, department of**

5 (1) SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD

6 (a) General program operations GPR A 9,220,400 9,220,400

7 (b) Midwest interstate low-level
8 radioactive waste compact; loan

9 from gen. fund GPR C -0- -0-

10 (f) Badger state games assistance GPR A 50,000 50,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(fm) National community service board;				
2	Wisconsin promise challenge grants	GPR	C	-0-	-0-
3	(fn) Free books to organizations	GPR	A	100,000	100,000
4	(g) Midwest interstate low-level				
5	radioactive waste compact;				
6	membership & costs	PR	A	60,700	60,700
7	(ie) Land information board; general				
8	program operations	PR	A	384,400	384,400
9	(ig) Land information board; technical				
10	assistance and education	PR	A	-0-	-0-
11	(ij) Land information board; aids to				
12	counties	PR	C	976,700	768,700
13	(ik) Computer-based land information				
14	system	PR	A	822,300	1,030,300
15	(im) Services to nonstate governmental				
16	units	PR	A	1,339,800	1,339,800
17	(ip) Master lease payments	PR	C	-0-	-0-
18	(is) Information technology processing				
19	svcs to nonstate entities & state				
20	schools	PR	C	-0-	-0-
21	(iu) Plat review	PR	C	347,900	347,900
22	(j) Gifts and donations	PR	C	-0-	-0-
23	(ja) Justice information systems	PR	A	3,919,700	2,500,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(jb) Gifts and grants; free books to				
2	organizations	PR	C	-0-	-0-
3	(ka) Materials and services to agencies				
4	and certain districts	PR-S	A	50,356,800	51,377,900
5	(kc) Capital planning and building				
6	construction services	PR-S	A	10,457,400	10,515,600
7	(ke) Telecommunications and data				
8	processing services	PR-S	A	37,170,000	37,170,000
9	(kf) Land information system services	PR-S	C	822,300	1,030,300
10	(kL) Information technology processing				
11	services to agencies	PR-S	C	44,342,400	44,237,300
12	(kn) Multi-agency information				
13	technology development projects	PR-S	A	-0-	-0-
14	(ko) Information technology				
15	development projects; justice				
16	information systems	PR-S	A	-0-	-0-
17	(kp) Interagency assistance; justice				
18	information systems	PR-S	A	962,300	2,382,000
19	(kq) Justice information systems				
20	development, operation and				
21	maintenance	PR-S	A	1,600,000	1,600,000
22	(kr) Information technology				
23	development and management				
24	services	PR-S	A	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(ks) Wisconsin land council; state				
2	agency support	PR-S	C	311,400	311,400
3	(kt) Soil survey and mapping; state				
4	agency support	PR-S	C	400,000	400,000
5	(ma) Federal grants and contracts	PR-F	C	43,100	43,100
6	(mb) Federal energy grants and				
7	contracts	PR-F	C	981,300	981,300
8	(mc) Coastal zone management	PR-F	C	1,143,000	1,143,000
9	(md) Oil overcharge restitution funds	PR-F	C	6,887,100	6,887,100
10	(n) Federal aid; local assistance	PR-F	C	-0-	-0-
11	(pz) Indirect cost reimbursements	PR-F	C	161,400	161,400
12	(r) Information technology investment				
13	fund administration	SEG	A	121,300	121,300
14	(v) General program operations —				
15	environmental improvement				
16	programs; state funds	SEG	A	753,300	753,300
17	(x) General program operations —				
18	clean water fund program; federal				
19	funds	SEG-F	C	-0-	-0-
20	(y) General program operations — safe				
21	drinking water loan program;				
22	federal funds	SEG-F	C	-0-	-0-
23	(z) Planning grants to local				
24	governmental units	SEG-S	A	1,000,000	1,000,000

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				9,370,400	9,370,400	
PROGRAM REVENUE				163,490,000	164,672,200	
FEDERAL				(9,215,900)	(9,215,900)	
OTHER				(7,851,500)	(6,431,800)	
SERVICE				(146,422,600)	(149,024,500)	
SEGREGATED FUNDS				1,874,600	1,874,600	
FEDERAL				(-0-)	(-0-)	
OTHER				(874,600)	(874,600)	
SERVICE				(1,000,000)	(1,000,000)	
TOTAL-ALL SOURCES				174,735,000	175,917,200	
1	(2)	RISK MANAGEMENT				
2	(a)	General fund supplement — risk				
3		management claims	GPR	S	-0-	-0-
4	(k)	Risk management costs	PR-S	C	19,900,000	20,400,000
5	(ki)	Risk management administration	PR-S	A	4,627,500	4,627,500
(2) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				-0-	-0-	
PROGRAM REVENUE				24,527,500	25,027,500	
SERVICE				(24,527,500)	(25,027,500)	
TOTAL-ALL SOURCES				24,527,500	25,027,500	
6	(3)	COMMITTEES AND INTERSTATE BODIES				
7	(a)	General program operations	GPR	A	359,800	359,800
8	(b)	Women's council operations	GPR	A	147,800	162,300
9	(c)	Criminal penalties study committee	GPR	B	-0-	-0-
10	(g)	Gifts and grants	PR	C	-0-	-0-
11	(h)	Program fees	PR	A	6,100	6,100
12	(m)	Federal aid	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				507,600	522,100	
PROGRAM REVENUE				6,100	6,100	
FEDERAL				(-0-)	(-0-)	

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	OTHER			(6,100)	(6,100)
	TOTAL-ALL SOURCES			513,700	528,200
1	(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				
2	(a) Adjudication of tax appeals	GPR	A	586,300	593,000
3	(b) Adjudication of equalization				
4	appeals	GPR	S	-0-	-0-
5	(c) Claims board; general program				
6	operations	GPR	A	46,600	46,600
7	(d) Claims awards	GPR	S	25,000	25,000
8	(f) Hearings and appeals operations	GPR	A	2,153,500	2,173,700
9	(gm) Gifts and grants	PR	C	-0-	-0-
10	(h) Program services	PR	A	26,000	26,000
11	(is) Relay service	PR	A	5,007,200	5,007,200
12	(k) Waste facility siting board; general				
13	program operations	PR-S	A	121,600	121,600
14	(ka) State use board — general program				
15	operations	PR-S	A	140,500	140,500
16	(kb) Info tech development projects;				
17	attached divisions, boards and				
18	commissions	PR-S	A	-0-	-0-
19	(kp) Hearings and appeals fees	PR-S	A	1,787,500	1,801,200
20	(r) State capitol and executive				
21	residence board; gifts and grants	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,811,400	2,838,300
	PROGRAM REVENUE			7,082,800	7,096,500

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	OTHER			(5,033,200)	(5,033,200)
	SERVICE			(2,049,600)	(2,063,300)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,894,200	9,934,800
1	(5) FACILITIES MANAGEMENT				
2	(c) Principal repayment and interest;				
3	Black Point Estate	GPR	S	21,700	135,100
4	(d) Former educational				
5	communications board principal				
6	repayment and interest	GPR	S	-0-	-0-
7	(g) Principal repayment, interest and				
8	rebates; parking	PR-S	S	1,251,800	1,255,200
9	(h) Lease payments for educational				
10	broadcasting facilities	PR	C	-0-	-0-
11	(i) Emergency weather warning				
12	system operation	PR	A	-0-	-0-
13	(ka) Facility operations and				
14	maintenance; police and protection				
15	functions	PR-S	A	29,894,200	30,153,000
16	(kb) Parking	PR	A	745,900	1,365,900
17	(kc) Principal repayment, interest and				
18	rebates	PR-S	C	9,509,600	9,122,500
19	(q) Energy efficiency	SEG	S	-0-	-0-
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			21,700	135,100
	PROGRAM REVENUE			41,401,500	41,896,600
	OTHER			(745,900)	(1,365,900)
	SERVICE			(40,655,600)	(40,530,700)

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			41,423,200	42,031,700
1	(6) OFFICE OF JUSTICE ASSISTANCE				
2	(a) General program operations	GPR	A	331,600	335,500
3	(c) Law enforcement officer				
4	supplement grants	GPR	A	1,000,000	1,000,000
5	(i) Gifts and grants	PR	C	-0-	-0-
6	(j) Penalty assessment surcharge				
7	receipts	PR	C	-0-	-0-
8	(k) Anti-drug enforcement program —				
9	administration	PR-S	A	135,600	135,600
10	(kp) Anti-drug enforcement program,				
11	penalty assessment - local	PR-S	A	1,183,100	1,184,200
12	(ks) Tribal law enforcement assistance	PR-S	A	200,000	600,000
13	(kt) Anti-drug enforcement program,				
14	penalty assessment - state	PR-S	A	996,900	1,294,200
15	(m) Federal aid, planning and				
16	administration, state operations	PR-F	C	351,100	353,200
17	(o) Federal aid, criminal justice				
18	improvement projects, state				
19	operations	PR-F	C	4,037,200	2,608,700
20	(p) Federal aid, criminal justice				
21	improvement projects, local				
22	assistance	PR-F	C	3,357,100	2,834,600

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(pa) Federal aid, criminal justice				
2	improvement projects, aid to				
3	organizations	PR-F	C	1,429,500	1,458,500
4	(pb) Federal aid, anti-drug enforcement				
5	program, aids and local assistance	PR-F	C	5,742,500	5,741,400
6	(pc) Federal aid, anti-drug enforcement				
7	program, state operations	PR-F	C	3,737,000	4,630,700
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,331,600	1,335,500
	PROGRAM REVENUE			21,170,000	20,841,100
	FEDERAL			(18,654,400)	(17,627,100)
	OTHER			(-0-)	(-0-)
	SERVICE			(2,515,600)	(3,214,000)
	TOTAL-ALL SOURCES			22,501,600	22,176,600
8	(7) HOUSING ASSISTANCE				
9	(a) General program operations	GPR	A	922,900	922,900
10	(b) Housing grants and loans	GPR	B	2,800,300	2,800,300
11	(c) Payments to designated agents	GPR	A	-0-	-0-
12	(d) Grants to local housing				
13	organizations	GPR	B	732,000	732,000
14	(dm) Transitional housing grants	GPR	A	375,000	375,000
15	(fm) Shelter for homeless and				
16	transitional housing	GPR	A	1,131,000	1,131,000
17	(g) Gifts and grants	PR	C	-0-	-0-
18	(gm) Funding for the homeless	PR	C	-0-	-0-
19	(h) Interest on real estate trust				
20	accounts	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(jf) Mobile home parks, dealers and				
2	salespersons	PR	A	142,300	142,300
3	(k) Sale of materials or services	PR-S	C	-0-	-0-
4	(kg) Housing program services	PR-S	C	6,702,600	6,702,600
5	(km) Weatherization assistance	PR-S	C	10,000,000	10,000,000
6	(m) Federal aid; state operations	PR-F	C	4,111,500	4,111,500
7	(n) Federal aid; local assistance	PR-F	C	1,777,000	1,777,000
8	(o) Federal aid; individuals and				
9	organizations	PR-F	C	72,269,300	72,269,300
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,961,200	5,961,200
	PROGRAM REVENUE			95,002,700	95,002,700
	FEDERAL			(78,157,800)	(78,157,800)
	OTHER			(142,300)	(142,300)
	SERVICE			(16,702,600)	(16,702,600)
	TOTAL-ALL SOURCES			100,963,900	100,963,900
10	(8) DIVISION OF GAMING				
11	(g) General program operations; racing	PR	A	2,141,200	2,141,200
12	(h) General program operations; Indian				
13	gaming	PR	A	2,164,400	1,418,300
14	(hm) Indian gaming receipts	PR	C	-0-	-0-
15	(i) County fair association grants	PR	C	50,000	50,000
16	(j) General program operations;				
17	charitable and crane games	PR	A	419,400	419,400
(8) PROGRAM TOTALS					
	PROGRAM REVENUE			4,775,000	4,028,900
	OTHER			(4,775,000)	(4,028,900)
	TOTAL-ALL SOURCES			4,775,000	4,028,900

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
20.505 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			20,003,900	20,162,600
PROGRAM REVENUE			357,455,600	358,571,600
FEDERAL			(106,028,100)	(105,000,800)
OTHER			(18,554,000)	(17,008,200)
SERVICE			(232,873,500)	(236,562,600)
SEGREGATED FUNDS			1,874,600	1,874,600
FEDERAL			(-0-)	(-0-)
OTHER			(874,600)	(874,600)
SERVICE			(1,000,000)	(1,000,000)
TOTAL-ALL SOURCES			379,334,100	380,608,800

1 20.507 Board of commissioners of public lands

2 (1) TRUST LANDS AND INVESTMENTS

3 (h) Trust lands and investments -

4 general program operations PR-S A 1,253,000 1,297,900

5 (j) Payments to American Indian
6 tribes or bands for raised sunken
7 logs PR C -0- -0-

8 (k) Trust lands and investments -
9 interagency and intra-agency
10 assistance PR-S A -0- -0-

11 (mg) Federal aid — flood control PR-F C 52,700 52,700

20.507 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,305,700	1,350,600
FEDERAL			(52,700)	(52,700)
OTHER			(-0-)	(-0-)
SERVICE			(1,253,000)	(1,297,900)
TOTAL-ALL SOURCES			1,305,700	1,350,600

12 20.510 Elections board

13 (1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) General program operations;				
2	general purpose revenue	GPR	B	867,500	868,400
3	(c) Legislative and special election				
4	account supplement	GPR	A	-0-	750,000
5	(g) Recount fees	PR	C	-0-	-0-
6	(h) Materials and services	PR	A	15,000	15,000
7	(i) General program operations;				
8	program revenue	PR	A	27,200	27,200
9	(j) Electronic filing software	PR	C	-0-	-0-
10	(ka) Information technology				
11	development projects	PR-S	A	-0-	-0-
12	(q) Wisconsin election campaign fund	SEG	C	700,700	700,700
20.510 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			867,500	1,618,400
	PROGRAM REVENUE			42,200	42,200
	OTHER			(42,200)	(42,200)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			700,700	700,700
	OTHER			(700,700)	(700,700)
	TOTAL-ALL SOURCES			1,610,400	2,361,300

13 **20.512 Employment relations, department of**

14	(1) EMPLOYMENT RELATIONS				
15	(a) General program operations	GPR	A	5,661,000	5,671,200
16	(i) Services to nonstate governmental				
17	units	PR	A	198,100	208,300
18	(j) Gifts and donations	PR	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(jm) Employe development and training				
2	services	PR	A	407,000	418,900
3	(k) Funds received from other state				
4	agencies	PR-S	C	16,000	16,000
5	(ka) Publications	PR-S	A	169,300	183,300
6	(kb) Information technology				
7	development projects	PR-S	A	-0-	-0-
8	(kg) Interagency projects; state				
9	operations	PR-S	A	52,000	52,000
10	(km) Collective bargaining grievance				
11	arbitrations	PR-S	A	85,200	85,200
12	(m) Federal grants and contracts	PR-F	C	-0-	-0-
13	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,661,000	5,671,200
	PROGRAM REVENUE			927,600	963,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(605,100)	(627,200)
	SERVICE			(322,500)	(336,500)
	TOTAL-ALL SOURCES			6,588,600	6,634,900
14	(2) AFFIRMATIVE ACTION COUNCIL				
15	(a) General program operations	GPR	A	-0-	-0-
16	(j) Gifts and donations	PR	C	-0-	-0-
17	(m) Federal grants and contracts	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.512 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			5,661,000	5,671,200
PROGRAM REVENUE			927,600	963,700
FEDERAL			(-0-)	(-0-)
OTHER			(605,100)	(627,200)
SERVICE			(322,500)	(336,500)
TOTAL-ALL SOURCES			6,588,600	6,634,900

1 **20.515 Employee trust funds, department of**

2	(1)	EMPLOYE BENEFIT PLANS		
3	(a)	Annuity supplements and		
4		payments	GPR	S
			5,503,600	4,562,800
5	(b)	Health insurance payments for		
6		certain retired state employees	GPR	S
			-0-	-0-
7	(c)	Contingencies	GPR	S
			-0-	-0-
8	(ka)	Information technology		
9		development projects	PR-S	A
			-0-	-0-
10	(t)	Automated operating system	SEG	C
			272,000	272,000
11	(u)	Employee-funded reimbursement		
12		account plan	SEG	C
			-0-	-0-
13	(um)	Benefit administration	SEG	B
			5,000	5,000
14	(ut)	Health insurance data collection		
15		and analysis contracts	SEG	A
			269,800	269,800
16	(w)	Administration	SEG	A
			14,359,700	14,054,600

20.515 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			5,503,600	4,562,800
PROGRAM REVENUE			-0-	-0-
SERVICE			(-0-)	(-0-)

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
SEGREGATED FUNDS				14,906,500	14,601,400
OTHER				(14,906,500)	(14,601,400)
TOTAL-ALL SOURCES				20,410,100	19,164,200
1	20.521 Ethics board				
2	(1) ETHICS AND LOBBYING REGULATION				
3	(a) General program operations;				
4	general purpose revenue	GPR	A	236,400	236,400
5	(g) General program operations;				
6	program revenue	PR	A	297,900	297,900
7	(h) Gifts and grants	PR	C	-0-	-0-
8	(i) Materials and services	PR	A	15,000	15,000
9	(ka) Information technology				
10	development projects	PR-S	A	-0-	-0-
20.521 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				236,400	236,400
PROGRAM REVENUE				312,900	312,900
OTHER				(312,900)	(312,900)
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				549,300	549,300
11	20.525 Office of the governor				
12	(1) EXECUTIVE ADMINISTRATION				
13	(a) General program operations	GPR	S	2,737,000	2,737,000
14	(b) Contingent fund	GPR	S	21,700	21,700
15	(c) Membership in national				
16	associations	GPR	S	103,000	103,000
17	(d) Disability board	GPR	S	-0-	-0-
18	(f) Literacy improvement aids	GPR	A	28,000	28,000

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(i) Gifts and grants	PR	C	-0-	-0-
2	(ka) Information technology				
3	development projects	PR-S	A	-0-	-0-
4	(kb) Assistance from state agencies	PR-S	C	155,000	195,600
5	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,889,700	2,889,700
	PROGRAM REVENUE			155,000	195,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(155,000)	(195,600)
	TOTAL-ALL SOURCES			3,044,700	3,085,300
6	(2) EXECUTIVE RESIDENCE				
7	(a) General program operations	GPR	S	184,600	184,600
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			184,600	184,600
	TOTAL-ALL SOURCES			184,600	184,600
	20.525 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			3,074,300	3,074,300
	PROGRAM REVENUE			155,000	195,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(155,000)	(195,600)
	TOTAL-ALL SOURCES			3,229,300	3,269,900
8	20.536 Investment board				
9	(1) INVESTMENT OF FUNDS				
10	(k) General program operations	PR-S	A	13,957,100	14,046,900
11	(ka) General program operations;				
12	environmental improvement fund	PR-S	C	-0-	-0-
	20.536 DEPARTMENT TOTALS				
	PROGRAM REVENUE			13,957,100	14,046,900

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
SERVICE			(13,957,100)	(14,046,900)
TOTAL-ALL SOURCES			13,957,100	14,046,900
1 20.540 Office of the lieutenant governor				
2 (1) EXECUTIVE COORDINATION				
3 (a) General program operations	GPR	A	503,100	503,100
4 (g) Gifts, grants and proceeds	PR	C	-0-	-0-
5 (k) Grants from state agencies	PR-S	C	-0-	-0-
6 (ka) Information technology				
7 development projects	PR-S	A	-0-	-0-
8 (m) Federal aid	PR-F	C	-0-	-0-
20.540 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			503,100	503,100
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			503,100	503,100
9 20.547 Personnel commission				
10 (1) REVIEW OF PERSONNEL DECISIONS				
11 (a) General program operations	GPR	A	870,900	909,100
12 (h) Publications	PR	A	3,000	3,000
13 (ka) Information technology				
14 development projects	PR-S	A	-0-	-0-
15 (m) Federal aid	PR-F	C	-0-	-0-
20.547 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			870,900	909,100
PROGRAM REVENUE			3,000	3,000
FEDERAL			(-0-)	(-0-)
OTHER			(3,000)	(3,000)

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				873,900	912,100
1	20.550 Public defender board				
2	(1) LEGAL ASSISTANCE				
3	(a) Program administration	GPR	A	1,928,100	2,441,200
4	(b) Appellate representation	GPR	A	3,850,300	3,851,000
5	(c) Trial representation	GPR	A	34,978,700	34,998,700
6	(d) Private bar and investigator				
7	reimbursement	GPR	B	18,314,000	19,347,400
8	(e) Private bar and investigator				
9	payments; administration costs	GPR	A	553,600	553,600
10	(f) Transcript and record payments	GPR	A	1,249,600	1,249,600
11	(fb) Payments from clients;				
12	administrative costs	PR	A	130,000	130,000
13	(g) Gifts and grants	PR	C	-0-	-0-
14	(h) Contractual agreements	PR-S	A	-0-	-0-
15	(i) Tuition payments	PR	C	-0-	-0-
16	(kj) Conferences and training	PR-S	A	113,300	113,300
17	(L) Private bar and inv.				
18	reimbursement; payments for legal				
19	representation	PR	C	1,024,700	1,024,700
20	(m) Federal aid	PR-F	C	-0-	-0-
20.550 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				60,874,300	62,441,500
PROGRAM REVENUE				1,268,000	1,268,000
FEDERAL				(-0-)	(-0-)

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
OTHER				(1,154,700)	(1,154,700)
SERVICE				(113,300)	(113,300)
TOTAL-ALL SOURCES				62,142,300	63,709,500
1	20.566 Revenue, department of				
2	(1) COLLECTION OF TAXES				
3	(a) General program operations	GPR	A	36,219,400	36,210,800
4	(g) Administration of county sales and				
5	use taxes	PR	A	2,922,300	2,972,300
6	(ga) Cigarette tax stamps	PR	A	177,800	177,800
7	(gb) Business tax registration	PR	A	1,637,400	1,637,400
8	(gc) Audits of occasional sales of motor				
9	vehicles	PR	A	-0-	-0-
10	(gd) Administration of special district				
11	taxes	PR	A	382,700	367,700
12	(gf) Administration of resort tax	PR	A	18,500	18,500
13	(gg) Administration of local taxes	PR	A	278,900	278,900
14	(gm) Administration of tax on controlled				
15	substances dealers	PR	A	-0-	-0-
16	(h) Debt collection	PR	A	294,300	293,100
17	(ha) Administration of liquor tax	PR	A	215,400	215,400
18	(hm) Collections under contracts	PR	S	352,800	352,800
19	(hp) Administration of endangered				
20	resources voluntary payments	PR	A	33,000	33,000
21	(hq) Delinquent tax collection fees	PR	C	10,833,300	10,833,300

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(i) Gifts and grants	PR	C	-0-	-0-
2	(m) Federal funds; state operations	PR-F	C	-0-	-0-
3	(qm) Administration of rental vehicle fee	SEG	A	31,200	31,200
4	(r) Administration of dry cleaner fees	SEG	A	54,800	54,800
5	(s) Petroleum inspection fee collection	SEG	A	126,100	126,100
6	(u) Motor fuel tax administration	SEG	A	1,097,400	1,097,400
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			36,219,400	36,210,800
	PROGRAM REVENUE			17,146,400	17,180,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(17,146,400)	(17,180,200)
	SEGREGATED FUNDS			1,309,500	1,309,500
	OTHER			(1,309,500)	(1,309,500)
	TOTAL-ALL SOURCES			54,675,300	54,700,500
7	(2) STATE AND LOCAL FINANCE				
8	(a) General program operations	GPR	A	10,765,800	10,765,800
9	(g) County assessment studies	PR	C	-0-	-0-
10	(gi) Municipal finance report				
11	compliance	PR	A	40,300	40,300
12	(h) Reassessments	PR	A	635,700	635,700
13	(hi) Wisconsin property assessment				
14	manual	PR	A	66,900	66,900
15	(i) Gifts and grants	PR	C	-0-	-0-
16	(m) Federal funds; state operations	PR-F	C	-0-	-0-
17	(q) Railroad and air carrier tax				
18	administration	SEG	A	186,800	186,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(r) Lottery credit administration	SEG	A	43,300	33,500
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,765,800	10,765,800
	PROGRAM REVENUE			742,900	742,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(742,900)	(742,900)
	SEGREGATED FUNDS			230,100	220,300
	OTHER			(230,100)	(220,300)
	TOTAL-ALL SOURCES			11,738,800	11,729,000
2	(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
3	(a) General program operations	GPR	A	15,570,100	15,584,000
4	(b) Integrated tax system technology	GPR	A	5,736,000	5,701,000
5	(c) Expert professional services	GPR	A	30,000	30,000
6	(g) Services	PR	A	57,000	57,000
7	(gm) Reciprocity agreement and				
8	publications	PR	A	201,400	201,400
9	(go) Reciprocity agreement; Illinois	PR	A	105,000	50,700
10	(i) Gifts and grants	PR	C	-0-	-0-
11	(k) Internal services	PR-S	A	200,300	200,300
12	(ka) Information technology				
13	development projects	PR-S	A	-0-	-0-
14	(m) Federal funds; state operations	PR-F	C	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			21,336,100	21,315,000
	PROGRAM REVENUE			563,700	509,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(363,400)	(309,100)
	SERVICE			(200,300)	(200,300)
	TOTAL-ALL SOURCES			21,899,800	21,824,400

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(7) INVESTMENT AND LOCAL IMPACT FUND				
2	(e) Investment and local impact fund				
3	supplement	GPR	A	-0-	-0-
4	(g) Investment and local impact fund				
5	administrative expenses	PR	A	-0-	-0-
6	(n) Federal mining revenue	PR-F	C	-0-	-0-
7	(v) Investment and local impact fund	SEG	C	-0-	-0-
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
8	(8) LOTTERY				
9	(q) General program operations	SEG	A	21,095,800	21,095,800
10	(r) Retailer compensation	SEG	S	28,519,300	31,214,500
11	(s) Prizes	SEG	S	-0-	-0-
12	(v) Vendor fees	SEG	S	12,193,400	12,434,100
	(8) PROGRAM TOTALS				
	SEGREGATED FUNDS			61,808,500	64,744,400
	OTHER			(61,808,500)	(64,744,400)
	TOTAL-ALL SOURCES			61,808,500	64,744,400
	20.566 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			68,321,300	68,291,600
	PROGRAM REVENUE			18,453,000	18,432,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(18,252,700)	(18,232,200)
	SERVICE			(200,300)	(200,300)
	SEGREGATED FUNDS			63,348,100	66,274,200

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
OTHER			(63,348,100)	(66,274,200)
TOTAL-ALL SOURCES			150,122,400	152,998,300
1 20.575 Secretary of state				
2 (1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
3 (g) Program fees	PR	A	603,300	593,700
4 (ka) Agency collections	PR-S	A	4,000	4,000
20.575 DEPARTMENT TOTALS				
PROGRAM REVENUE			607,300	597,700
OTHER			(603,300)	(593,700)
SERVICE			(4,000)	(4,000)
TOTAL-ALL SOURCES			607,300	597,700
5 20.585 Treasurer, state				
6 (1) CUSTODIAN OF STATE FUNDS				
7 (b) Insurance	GPR	A	-0-	-0-
8 (e) Unclaimed property; contingency				
9 appropriation	GPR	S	-0-	-0-
10 (g) Processing services	PR	A	174,700	174,800
11 (h) Training conferences	PR	C	-0-	-0-
12 (i) Gifts and grants	PR	C	-0-	-0-
13 (j) Unclaimed property	PR	C	850,300	850,300
14 (jt) Allocation - cash management	PR	A	45,800	46,400
15 (ka) Information technology				
16 development projects	PR-S	A	-0-	-0-
17 (kb) General program operations	PR-S	A	521,900	525,100
18 (km) Credit card use charges	PR-S	C	-0-	-0-

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01		
(1) PROGRAM TOTALS							
GENERAL PURPOSE REVENUES				-0-	-0-		
PROGRAM REVENUE				1,592,700	1,596,600		
OTHER				(1,070,800)	(1,071,500)		
SERVICE				(521,900)	(525,100)		
TOTAL-ALL SOURCES				1,592,700	1,596,600		
1	(2)	COLLEGE TUITION PREPAYMENT PROGRAM					
2	(a)	Administrative expenses; general					
3		fund	GPR	A	85,000	85,000	
4	(q)	Payment of tuition		SEG	S	-0-	-0-
5	(r)	Payment of refunds		SEG	S	-0-	-0-
6	(s)	Administrative expenses; tuition					
7		trust fund	SEG	A	147,000	150,000	
(2) PROGRAM TOTALS							
GENERAL PURPOSE REVENUES				85,000	85,000		
SEGREGATED FUNDS				147,000	150,000		
OTHER				(147,000)	(150,000)		
TOTAL-ALL SOURCES				232,000	235,000		
20.585 DEPARTMENT TOTALS							
GENERAL PURPOSE REVENUES				85,000	85,000		
PROGRAM REVENUE				1,592,700	1,596,600		
OTHER				(1,070,800)	(1,071,500)		
SERVICE				(521,900)	(525,100)		
SEGREGATED FUNDS				147,000	150,000		
OTHER				(147,000)	(150,000)		
TOTAL-ALL SOURCES				1,824,700	1,831,600		
General Executive Functions FUNCTIONAL AREA TOTALS							
GENERAL PURPOSE REVENUES				166,001,300	167,556,000		
PROGRAM REVENUE				396,080,100	397,381,300		
FEDERAL				(106,080,800)	(105,053,500)		
OTHER				(40,598,700)	(39,045,600)		
SERVICE				(249,400,600)	(253,282,200)		
SEGREGATED FUNDS				80,976,900	83,600,900		
FEDERAL				(-0-)	(-0-)		
OTHER				(79,976,900)	(82,600,900)		
SERVICE				(1,000,000)	(1,000,000)		

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			643,058,300	648,538,200

Judicial

1	20.625 Circuit courts				
2	(1) COURT OPERATIONS				
3	(a) Circuit courts	GPR	S	49,024,500	49,024,500
4	(as) Violent crime court costs	GPR	A	-0-	-0-
5	(b) Permanent reserve judges	GPR	A	-0-	-0-
6	(c) Court interpreter fees	GPR	A	188,800	188,800
7	(d) Circuit court support payments	GPR	B	16,489,600	16,489,600
8	(e) Guardian ad litem costs	GPR	A	4,738,500	4,738,500
9	(k) Drug court costs; local assistance	PR	C	160,000	160,000
10	(m) Federal aid	PR-F	C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	70,441,400	70,441,400
PROGRAM REVENUE	160,000	160,000
FEDERAL	(-0-)	(-0-)
OTHER	(160,000)	(160,000)
TOTAL-ALL SOURCES	70,601,400	70,601,400

11	(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES			
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12	(a) General program operations	GPR	S	-0-	-0-
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(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

20.625 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	70,441,400	70,441,400
PROGRAM REVENUE	160,000	160,000
FEDERAL	(-0-)	(-0-)

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	OTHER			(160,000)	(160,000)
	TOTAL-ALL SOURCES			70,601,400	70,601,400
1	20.660 Court of appeals				
2	(1) APPELLATE PROCEEDINGS				
3	(a) General program operations	GPR	S	6,997,900	6,997,900
4	(m) Federal aid	PR-F	C	-0-	-0-
	20.660 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			6,997,900	6,997,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,997,900	6,997,900
5	20.665 Judicial commission				
6	(1) JUDICIAL CONDUCT				
7	(a) General program operations	GPR	A	172,700	173,100
8	(cm) Contractual agreements	GPR	B	18,200	18,200
9	(d) General program operations;				
10	judicial council	GPR	A	35,000	35,000
11	(ka) Information technology				
12	development projects	PR-S	A	-0-	-0-
13	(mm) Federal aid	PR-F	C	-0-	-0-
	20.665 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			225,900	226,300
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			225,900	226,300
14	20.680 Supreme court				
15	(1) SUPREME COURT PROCEEDINGS				

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) General program operations	GPR	S	3,848,100	3,848,100
2	(m) Federal aid	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,848,100	3,848,100
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,848,100	3,848,100
3	(2) DIRECTOR OF STATE COURTS				
4	(a) General program operations	GPR	A	4,809,300	4,809,300
5	(b) Judicial planning and research	GPR	A	-0-	-0-
6	(g) Gifts and grants	PR	C	-0-	-0-
7	(h) Materials and services	PR	C	50,900	50,900
8	(i) Municipal judge training	PR	C	115,400	115,400
9	(j) Court information systems and				
10	interpreters	PR	C	7,452,500	7,452,500
11	(ka) Information technology				
12	development projects	PR-S	A	-0-	-0-
13	(kc) Central services	PR-S	A	164,000	164,000
14	(kd) Court operations information				
15	technology	PR-S	A	-0-	-0-
16	(ke) Interagency and intra-agency				
17	automation assistance	PR-S	C	-0-	-0-
18	(m) Federal aid	PR-F	C	400,000	400,000
19	(qm) Mediation fund	SEG	C	657,800	657,800
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,809,300	4,809,300
	PROGRAM REVENUE			8,182,800	8,182,800

SENATE BILL 45**SECTION 172**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1999-00	2000-01
	FEDERAL			(400,000)	(400,000)
	OTHER			(7,618,800)	(7,618,800)
	SERVICE			(164,000)	(164,000)
	SEGREGATED FUNDS			657,800	657,800
	OTHER			(657,800)	(657,800)
	TOTAL-ALL SOURCES			13,649,900	13,649,900
1	(3) BAR EXAMINERS AND RESPONSIBILITY				
2	(g) Board of bar examiners	PR	C	528,200	528,200
3	(h) Board of attorneys professional				
4	responsibility	PR	C	1,382,700	1,382,700
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			1,910,900	1,910,900
	OTHER			(1,910,900)	(1,910,900)
	TOTAL-ALL SOURCES			1,910,900	1,910,900
5	(4) LAW LIBRARY				
6	(a) General program operations	GPR	A	1,065,600	1,022,600
7	(g) Library collections and services	PR	C	111,300	111,300
8	(h) Gifts and grants	PR	C	229,200	229,200
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,065,600	1,022,600
	PROGRAM REVENUE			340,500	340,500
	OTHER			(340,500)	(340,500)
	TOTAL-ALL SOURCES			1,406,100	1,363,100
	20.680 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			9,723,000	9,680,000
	PROGRAM REVENUE			10,434,200	10,434,200
	FEDERAL			(400,000)	(400,000)
	OTHER			(9,870,200)	(9,870,200)
	SERVICE			(164,000)	(164,000)
	SEGREGATED FUNDS			657,800	657,800
	OTHER			(657,800)	(657,800)
	TOTAL-ALL SOURCES			20,815,000	20,772,000
	Judicial				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			87,388,200	87,345,600

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
PROGRAM REVENUE			10,594,200	10,594,200
FEDERAL			(400,000)	(400,000)
OTHER			(10,030,200)	(10,030,200)
SERVICE			(164,000)	(164,000)
SEGREGATED FUNDS			657,800	657,800
FEDERAL			(-0-)	(-0-)
OTHER			(657,800)	(657,800)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			98,640,200	98,597,600

Legislative

1 **20.765 Legislature**

2 (1) ENACTMENT OF STATE LAWS

3 (a) General program operations —

4 assembly GPR S 20,801,600 20,801,600

5 (b) General program operations —

6 senate GPR S 13,391,900 13,391,900

7 (d) Legislative documents; exhibit GPR S 7,831,000 7,831,000

8 (ka) Information technology

9 development projects PR-S A -0- -0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			42,024,500	42,024,500
PROGRAM REVENUE			-0-	-0-
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			42,024,500	42,024,500

10 (2) SPECIAL STUDY GROUPS

11 (a) Retirement committees GPR A 217,000 212,800

12 (ab) Retirement actuarial studies GPR B 15,000 15,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			232,000	227,800
	TOTAL-ALL SOURCES			232,000	227,800
1	(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
2	(a) Revisor of statutes bureau	GPR	B	712,300	718,500
3	(b) Legislative reference bureau	GPR	B	3,635,000	3,637,800
4	(c) Legislative audit bureau	GPR	B	3,981,200	3,981,200
5	(d) Legislative fiscal bureau	GPR	B	2,527,600	2,595,200
6	(e) Legislative council	GPR	B	2,734,200	2,734,200
7	(em) Legislative technology services				
8	bureau	GPR	B	1,430,600	1,438,000
9	(f) Joint committee on legislative				
10	organization	GPR	B	-0-	-0-
11	(fa) Membership in national				
12	associations	GPR	S	160,000	165,100
13	(g) Gifts and grants to service agencies	PR	C	-0-	-0-
14	(ka) Audit bureau reimbursable audits	PR-S	A	1,281,900	1,355,200
15	(km) Computer networking	PR-S	C	-0-	-0-
16	(m) Federal aid	PR-F	C	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			15,180,900	15,270,000
	PROGRAM REVENUE			1,281,900	1,355,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,281,900)	(1,355,200)
	TOTAL-ALL SOURCES			16,462,800	16,625,200
	20.765 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			57,437,400	57,522,300
	PROGRAM REVENUE			1,281,900	1,355,200

SENATE BILL 45

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,281,900)	(1,355,200)
TOTAL-ALL SOURCES			58,719,300	58,877,500

Legislative
FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			57,437,400	57,522,300
PROGRAM REVENUE			1,281,900	1,355,200
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,281,900)	(1,355,200)
SEGREGATED FUNDS			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			58,719,300	58,877,500

General Appropriations

1 **20.835 Shared revenue and tax relief**

2	(1)	SHARED REVENUE PAYMENTS				
3	(b)	Small municipalities shared				
4		revenue	GPR	S	10,000,000	10,000,000
5	(c)	Expenditure restraint program				
6		account	GPR	S	48,000,000	48,000,000
7	(d)	Shared revenue account	GPR	S	930,459,800	930,459,800
8	(e)	State aid; computers	GPR	S	76,000,000	80,000,000
9	(f)	County mandate relief account	GPR	S	20,159,000	20,159,000

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			1,084,618,800	1,088,618,800
TOTAL-ALL SOURCES			1,084,618,800	1,088,618,800

10 (2) TAX RELIEF

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01	
1	(b) Claim of right credit	GPR	S	-0-	-0-	
2	(c) Homestead tax credit	GPR	S	84,600,000	83,100,000	
3	(ci) Development zones investment					
4	credit	GPR	S	2,500	2,500	
5	(cL) Development zones location credit	GPR	S	2,500	2,500	
6	(cm) Development zones jobs credit	GPR	S	150,000	150,000	
7	(cn) Development zones sales tax credit	GPR	S	150,000	150,000	
8	(d) Farmers' drought property tax					
9	credit	GPR	S	-0-	-0-	
10	(dm) Farmland preservation credit	GPR	S	20,100,000	19,500,000	
11	(dp) Farmland preservation acreage					
12	credit	GPR	S	500	1,000	
13	(ep) Cigarette and tobacco product tax					
14	refunds	GPR	S	7,691,500	7,650,000	
15	(f) Earned income tax credit	GPR	S	74,000,000	80,000,000	
16	(k) Earned income tax credit;					
17	community service job participants	PR-S	C	-0-	-0-	
18	(q) Farmland tax relief credit	SEG	S	10,600,000	10,000,000	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			186,697,000	190,556,000	
	PROGRAM REVENUE			-0-	-0-	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			10,600,000	10,000,000	
	OTHER			(10,600,000)	(10,000,000)	
	TOTAL-ALL SOURCES			197,297,000	200,556,000	
19	(3) STATE PROPERTY TAX CREDITS					

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(b) School levy tax credit	GPR	S	469,305,000	469,305,000
2	(q) Lottery credit	SEG	S	110,368,000	111,753,000
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			469,305,000	469,305,000
	SEGREGATED FUNDS			110,368,000	111,753,000
	OTHER			(110,368,000)	(111,753,000)
	TOTAL-ALL SOURCES			579,673,000	581,058,000
3	(4) COUNTY AND LOCAL TAXES				
4	(g) County taxes	PR	C	-0-	-0-
5	(gb) Special district taxes	PR	C	-0-	-0-
6	(gd) Premier resort area tax	PR	C	-0-	-0-
7	(gg) Local taxes	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
8	(5) PAYMENTS IN LIEU OF TAXES				
9	(a) Payments for municipal services	GPR	A	18,065,300	18,065,300
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			18,065,300	18,065,300
	TOTAL-ALL SOURCES			18,065,300	18,065,300
	20.835 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,758,686,100	1,766,545,100
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			120,968,000	121,753,000
	OTHER			(120,968,000)	(121,753,000)
	TOTAL-ALL SOURCES			1,879,654,100	1,888,298,100
10	20.855 Miscellaneous appropriations				
11	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(a) Obligation on operating notes	GPR	S	8,500,000	15,500,000
2	(b) Operating note expenses	GPR	S	110,000	110,000
3	(c) Interest payments to program				
4	revenue accounts	GPR	S	-0-	-0-
5	(d) Interest payments to segregated				
6	funds	GPR	S	-0-	-0-
7	(e) Interest on prorated local				
8	government payments	GPR	S	-0-	-0-
9	(q) Redemption of operating notes	SEG	S	-0-	-0-
10	(r) Interest payments to general fund	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,610,000	15,610,000
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,610,000	15,610,000
11	(3) RELOCATION EXPENSES				
12	(a) Capitol offices relocation	GPR	S	2,420,400	2,420,400
13	(b) Capitol restoration and relocation				
14	planning	GPR	B	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,420,400	2,420,400
	TOTAL-ALL SOURCES			2,420,400	2,420,400
15	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
16	(a) Interest on overpayment of taxes	GPR	S	800,000	900,000
17	(am) Great Lakes protection fund				
18	contribution	GPR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(b) Election campaign payments	GPR	S	310,000	310,000
2	(c) Minnesota income tax reciprocity	GPR	S	44,500,000	48,000,000
3	(ca) Minnesota income tax reciprocity				
4	bench mark	GPR	A	-0-	-0-
5	(cm) Illinois income tax reciprocity	GPR	S	-0-	-0-
6	(cn) Illinois income tax reciprocity				
7	benchmark	GPR	A	105,000	50,700
8	(co) Illinois income tax reciprocity, 1998				
9	and 1999	GPR	A	8,250,000	-0-
10	(e) Transfer to conservation fund; land				
11	acquisition reimbursement	GPR	S	238,700	247,900
12	(f) Supplemental title fee matching	GPR	S	10,700,000	10,700,000
13	(q) Terminal tax distribution	SEG	S	855,500	855,500
14	(r) Petroleum allowance	SEG	S	400,000	400,000
15	(s) Transfer to conservation fund;				
16	motorboat formula	SEG	S	9,615,800	9,839,400
17	(t) Transfer to conservation fund;				
18	snowmobile formula	SEG	S	3,704,500	3,762,900
19	(u) Transfer to conservation fund;				
20	all-terrain vehicle formula	SEG	S	570,700	579,700
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			64,903,700	60,208,600
	SEGREGATED FUNDS			15,146,500	15,437,500
	OTHER			(15,146,500)	(15,437,500)
	TOTAL-ALL SOURCES			80,050,200	75,646,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(5) STATE HOUSING AUTHORITY RESERVE FUND				
2	(a) Enhancement of credit of authority				
3	debt	GPR	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
4	(6) MISCELLANEOUS RECEIPTS				
5	(g) Gifts and grants	PR	C	-0-	-0-
6	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
7	(i) Miscellaneous program revenue	PR	A	-0-	-0-
8	(j) Custody accounts	PR	C	-0-	-0-
9	(k) Aids to individuals and				
10	organizations	PR-S	C	-0-	-0-
11	(ka) Local assistance	PR-S	C	-0-	-0-
12	(m) Federal aid	PR-F	C	-0-	-0-
13	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
	(6) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
14	(7) DEBT COLLECTIONS				
15	(j) Delinquent support and				
16	maintenance payments	PR	C	-0-	-0-
	(7) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
1	(9) STATE CAPITOL RENOVATION AND RESTORATION				
2	(a) South wing renovation and				
3	restoration	GPR	C	-0-	-0-
	(9) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	20.855 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			75,934,100	78,239,000
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			15,146,500	15,437,500
	OTHER			(15,146,500)	(15,437,500)
	TOTAL-ALL SOURCES			91,080,600	93,676,500
4	20.865 Program supplements				
5	(1) EMPLOYE COMPENSATION AND SUPPORT				
6	(a) Judgments and legal expenses	GPR	S	50,000	50,000
7	(c) Compensation and related				
8	adjustments	GPR	S	-0-	-0-
9	(cb) Pay rate or range reassignments	GPR	A	7,827,200	7,827,200
10	(ci) Nonrepresented university system				
11	faculty and academic pay				
12	adjustments	GPR	S	-0-	-0-
13	(cj) Pay adjustments for certain				
14	university employes	GPR	A	-0-	-0-
15	(d) Employer fringe benefit costs	GPR	S	76,300	76,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(e) Additional biweekly payroll	GPR	A	-0-	30,000,000
2	(em) Financial services	GPR	A	172,200	172,200
3	(fm) Risk management	GPR	A	-0-	-0-
4	(fn) Physically handicapped				
5	supplements	GPR	A	6,900	6,900
6	(g) Judgments and legal expenses;				
7	program revenues	PR	S	-0-	-0-
8	(i) Compensation and related				
9	adjustments; program revenues	PR	S	-0-	-0-
10	(ib) Pay rate or range reassignments	PR	A	1,286,500	1,286,500
11	(ic) Nonrepresented university system				
12	faculty and academic pay				
13	adjustments	PR	S	-0-	-0-
14	(j) Employer fringe benefit costs;				
15	program revenues	PR	S	-0-	-0-
16	(jm) Additional biweekly payroll;				
17	nonfederal program revenues	PR	S	-0-	-0-
18	(js) Financial services; program				
19	revenues	PR	S	-0-	-0-
20	(kr) Risk management; program				
21	revenues	PR-S	S	-0-	-0-
22	(Ln) Physically handicapped				
23	supplements; program revenues	PR	S	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(m) Additional biweekly payroll; federal				
2	program revenues	PR-F	S	-0-	-0-
3	(q) Judgments and legal expenses;				
4	segregated revenues	SEG	S	-0-	-0-
5	(s) Compensation and related				
6	adjustments; segregated revenues	SEG	S	-0-	-0-
7	(si) Nonrepresented university system				
8	faculty and academic pay				
9	adjustments	SEG	S	-0-	-0-
10	(t) Employer fringe benefit costs;				
11	segregated revenues	SEG	S	-0-	-0-
12	(tm) Additional biweekly payroll;				
13	nonfederal segregated revenues	SEG	S	-0-	-0-
14	(ts) Financial services; segregated				
15	revenues	SEG	S	-0-	-0-
16	(ur) Risk management; segregated				
17	revenues	SEG	S	-0-	-0-
18	(vn) Physically handicapped				
19	supplements; segregated revenues	SEG	S	-0-	-0-
20	(x) Additional biweekly payroll; federal				
21	segregated revenues	SEG-F	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,132,600	38,132,600
	PROGRAM REVENUE			1,286,500	1,286,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,286,500)	(1,286,500)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,419,100	39,419,100
1	(2) STATE PROGRAMS AND FACILITIES				
2	(a) Space management and child care	GPR	A	3,441,300	3,935,000
3	(ag) State-owned office rent supplement	GPR	A	1,189,900	2,379,800
4	(d) State deposit fund	GPR	S	-0-	-0-
5	(e) Maintenance of capitol and				
6	executive residence	GPR	A	5,492,700	5,492,700
7	(eb) Executive residence furnishings				
8	replacement	GPR	C	25,000	25,000
9	(em) Groundwater survey and analysis	GPR	A	231,200	231,200
10	(g) Space management and child care;				
11	program revenues	PR	S	-0-	-0-
12	(gg) State-owned office rent				
13	supplement; program revenues	PR	S	-0-	-0-
14	(j) State deposit fund; program				
15	revenues	PR	S	-0-	-0-
16	(L) Data processing and				
17	telecommunications study; program				
18	revenues	PR-S	S	-0-	-0-
19	(q) Space management and child care;				
20	segregated revenues	SEG	S	-0-	-0-
21	(qg) State-owned office rent				
22	supplement; segregated revenues	SEG	S	-0-	-0-

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(t) State deposit fund; segregated				
2	revenues	SEG	S	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,380,100	12,063,700
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			10,380,100	12,063,700
3	(3) TAXES AND SPECIAL CHARGES				
4	(a) Property taxes	GPR	S	-0-	-0-
5	(g) Property taxes; program revenues	PR	S	-0-	-0-
6	(i) Payments for municipal services;				
7	program revenues	PR	S	-0-	-0-
8	(q) Property taxes; segregated				
9	revenues	SEG	S	-0-	-0-
10	(s) Payments for municipal services;				
11	segregated revenues	SEG	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
12	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
13	(a) General purpose revenue funds				
14	general program supplementation	GPR	B	591,200	591,200

SENATE BILL 45**SECTION 172**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(g) Program revenue funds general				
2	program supplementation	PR	S	160,300	160,300
3	(m) Federal funds general program				
4	supplementation	PR-F	C	2,000,000	2,000,000
5	(u) Segregated funds general program				
6	supplementation	SEG	S	1,384,400	1,384,400
	(4) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			591,200	591,200
	PROGRAM REVENUE			2,160,300	2,160,300
	FEDERAL			(2,000,000)	(2,000,000)
	OTHER			(160,300)	(160,300)
	SEGREGATED FUNDS			1,384,400	1,384,400
	OTHER			(1,384,400)	(1,384,400)
	TOTAL-ALL SOURCES			4,135,900	4,135,900
7	(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.-SERVICE APPROPRIATIONS				
8	(g) Supplementation of program				
9	revenue and program rev.-service				
10	appropriations	PR	S	-0-	-0-
	(8) P R O G R A M T O T A L S				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	2 0 . 8 6 5 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			19,103,900	50,787,500
	PROGRAM REVENUE			3,446,800	3,446,800
	FEDERAL			(2,000,000)	(2,000,000)
	OTHER			(1,446,800)	(1,446,800)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,384,400	1,384,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,384,400)	(1,384,400)
	TOTAL-ALL SOURCES			23,935,100	55,618,700

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	20.866 Public debt				
2	(1) BOND SECURITY AND REDEMPTION FUND				
3	(u) Principal repayment and interest	SEG	S	-0-	-0-
	20.866 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	20.867 Building commission				
5	(1) STATE OFFICE BUILDINGS				
6	(a) Principal repayment and interest;				
7	housing of state agencies	GPR	S	-0-	-0-
8	(b) Principal repayment and interest;				
9	capitol and executive residence	GPR	S	9,762,900	9,336,500
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,762,900	9,336,500
	TOTAL-ALL SOURCES			9,762,900	9,336,500
10	(2) ALL STATE-OWNED FACILITIES				
11	(b) Asbestos removal	GPR	A	-0-	-0-
12	(c) Hazardous materials removal	GPR	A	-0-	-0-
13	(f) Facilities preventive maintenance	GPR	A	-0-	-0-
14	(ka) Information technology				
15	development projects	PR-S	A	-0-	-0-
16	(q) Building trust fund	SEG	C	-0-	-0-
17	(r) Planning and design	SEG	C	-0-	-0-
18	(u) Aids for buildings	SEG	C	-0-	-0-

SENATE BILL 45

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(v) Building program funding				
2	contingency	SEG	C	-0-	-0-
3	(w) Building program funding	SEG	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(3) STATE BUILDING PROGRAM				
5	(a) Principal repayment and interest	GPR	S	19,004,700	28,520,500
6	(b) Principal repayment and interest	GPR	S	-0-	-0-
7	(c) Lease rental payments	GPR	S	-0-	-0-
8	(d) Interest rebates on obligation				
9	proceeds; general fund	GPR	S	-0-	-0-
10	(e) Principal repayment, interest and				
11	rebates; parking ramp	GPR	S	-0-	-0-
12	(g) Principal repayment, interest and				
13	rebates; program revenues	PR	S	-0-	-0-
14	(h) Principal repayment, interest and				
15	rebates	PR	S	-0-	-0-
16	(i) Principal repayment, interest and				
17	rebates; capital equipment	PR	S	-0-	-0-
18	(k) Interest rebates on obligation				
19	proceeds; program revenues	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	(q) Principal repayment and interest;				
2	segregated revenues	SEG	S	-0-	-0-
3	(r) Interest rebates on obligation				
4	proceeds; conservation fund	SEG	S	-0-	-0-
5	(s) Interest rebates on obligation				
6	proceeds; transportation fund	SEG	S	-0-	-0-
7	(t) Interest rebates on obligation				
8	proceeds; veterans trust fund	SEG	S	-0-	-0-
9	(w) Bonding services	SEG	S	1,024,200	1,024,200
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			19,004,700	28,520,500
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			20,028,900	29,544,700
10	(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
11	(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
12	(r) Interest on veterans obligations	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.867 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			28,767,600	37,857,000
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			29,791,800	38,881,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
1	20.870 Information technology investment fund				
2	(1) INFORMATION TECHNOLOGY DEVELOPMENT				
3	(q) Special projects; fee revenue	SEG	A	-0-	-0-
4	(r) Special projects; agency revenues	SEG	A	-0-	-0-
5	(s) Special projects; gifts and grants	SEG	A	-0-	-0-
	20.870 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
6	20.875 Budget stabilization fund				
7	(1) TRANSFERS TO FUND				
8	(a) General fund transfer	GPR	A	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
9	(2) TRANSFERS FROM FUND				
10	(q) Budget stabilization fund transfer	SEG	A	-0-	-0-
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.875 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	General Appropriations FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			1,882,491,700	1,933,428,600
	PROGRAM REVENUE			3,446,800	3,446,800
	FEDERAL			(2,000,000)	(2,000,000)
	OTHER			(1,446,800)	(1,446,800)

SENATE BILL 45

SECTION 172

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			138,523,100	139,599,100
FEDERAL			(-0-)	(-0-)
OTHER			(138,523,100)	(139,599,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,024,461,600	2,076,474,500
S T A T E T O T A L			20,106,382,200	20,744,609,200
GENERAL PURPOSE REVENUES			10,509,730,600	10,948,161,200
PROGRAM REVENUE			6,885,219,500	7,044,587,900
FEDERAL			(4,234,723,100)	(4,339,899,300)
OTHER			(1,903,725,700)	(1,953,747,800)
SERVICE			(746,770,700)	(750,940,800)
SEGREGATED FUNDS			2,711,432,100	2,751,860,100
FEDERAL			(563,127,100)	(573,536,200)
OTHER			(1,938,799,400)	(1,966,921,400)
SERVICE			(145,141,600)	(146,538,500)
LOCAL			(64,364,000)	(64,864,000)

1

2

SECTION 173. 20.115 (1) (g) of the statutes is amended to read:

3

20.115 (1) (g) *Related services.* The amounts in the schedule for the conduct of services related to food and trade regulation, including special and overtime meat inspection services under s. 97.42 (3), and investigative and audit services under ss. 93.06 (6) (b), 100.06 (1g) (c) and 100.07 (1). All, but excluding services financed under pars. (gf) and (h). Except as provided in pars. (gf) and (h), all moneys received from authorized service fees related to food and trade regulation shall be credited to this appropriation.

9

10

SECTION 174. 20.115 (1) (gf) of the statutes is created to read:

11

20.115 (1) (gf) *Fruit and vegetable inspection.* All moneys received for the inspection of fruits and vegetables under ss. 93.06 (1m), 93.09 (10) and 100.03 (3) (a) 1. and 2., to carry out the purposes for which those moneys are received.

12

13

14

SECTION 175. 20.115 (1) (gm) of the statutes is amended to read:

SENATE BILL 45**SECTION 175**

1 20.115 (1) (gm) *Dairy trade regulation; dairy product and vegetable producer*
2 *security and trade practices.* The amounts in the schedule for the regulation of
3 vegetable procurement under s. 100.03, of dairy plant financial condition under s.
4 100.06 and of dairy trade practices under s. 100.201. All moneys received under ss.
5 100.03 (3) (a) 2. and 3., 100.06 (9) and 100.201 (6) shall be credited to this
6 appropriation.

7 **SECTION 176.** 20.115 (1) (j) of the statutes is amended to read:

8 20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule
9 for weights and measures inspection, testing and enforcement under ch. 98. All
10 moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),
11 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.

12 **SECTION 177.** 20.115 (1) (jb) of the statutes is created to read:

13 20.115 (1) (jb) *Consumer information and education.* The amounts in the
14 schedule for consumer protection information and education. All moneys received
15 under s. 100.261 shall be credited to this appropriation account.

16 **SECTION 178.** 20.115 (2) (j) of the statutes is amended to read:

17 20.115 (2) (j) *Dog licenses, rabies control and related services.* The amounts in
18 the schedule to provide dog license tags and forms under s. 174.07 (2), to perform
19 other program responsibilities under ch. 174, to administer the rabies control
20 program under s. 95.21, to help administer the rabies control media campaign and
21 to carry out the humane activities under s. 93.07 (11). All moneys received ~~by the~~
22 ~~state treasurer~~ under s. ss. 95.21 (9) (c) and 174.09 (1) shall be credited to this
23 appropriation.

24 **SECTION 179.** 20.115 (2) (j) of the statutes, as affected by 1997 Wisconsin Act
25 192 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

SENATE BILL 45**SECTION 179**

1 20.115 (2) (j) *Dog licenses, rabies control and related services.* The amounts in
2 the schedule to provide dog license tags and forms under s. 174.07 (2), to perform
3 other program responsibilities under ch. 174, to administer the rabies control
4 program under s. 95.21, to help administer the rabies control media campaign and
5 to carry out humane activities under s. 93.07 (11) and ch. 173. All moneys received
6 under ss. 95.21 (9) (c), 173.27 and 174.09 (1) shall be credited to this appropriation.

7 **SECTION 180.** 20.115 (3) (g) of the statutes is amended to read:

8 20.115 (3) (g) *Related services.* The amounts in the schedule for the conduct of
9 authorized marketing services, ~~except services financed under par. (h).~~ ~~Except as~~
10 ~~provided in par. (h), all.~~ All moneys received from authorized fees related to
11 marketing services, ~~including moneys received for inspection, grading and~~
12 ~~certification of fruits and vegetables under ss. 93.06 (1m), 93.09 (10) and 100.03 (3)~~
13 ~~(a) 1. and 2.,~~ shall be credited to this appropriation account.

14 **SECTION 181.** 20.115 (3) (h) of the statutes is renumbered 20.115 (1) (h).

15 **SECTION 182.** 20.115 (4) (cd) of the statutes is created to read:

16 20.115 (4) (cd) *Federal dairy policy reform.* Biennially, the amounts in the
17 schedule to provide assistance to organizations to reform federal dairy pricing
18 policies under s. 93.06 (12).

19 **SECTION 183.** 20.115 (4) (cd) of the statutes, as created by 1999 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 184.** 20.115 (7) (d) of the statutes is created to read:

22 20.115 (7) (d) *Drainage board grants.* The amounts in the schedule for grants
23 to drainage boards under s. 88.15.

24 **SECTION 185.** 20.115 (7) (ga) of the statutes is amended to read:

SENATE BILL 45**SECTION 185**

1 20.115 (7) (ga) *Related services*. All moneys received from publication sales and
2 service fees authorized by law that are related to agricultural resource management,
3 from fees under s. 94.50 and from costs paid by municipalities under s. 88.64 (6), for
4 the publication of informational materials and the conduct of services related to
5 agricultural resource management.

6 **SECTION 186.** 20.115 (7) (gb) of the statutes is created to read:

7 20.115 (7) (gb) *Agricultural resource management; gifts and grants*. All moneys
8 received from gifts, grants and bequests for the agricultural resource management
9 purposes under chs. 88 and 91 to 94 to carry out the purposes for which made.

10 **SECTION 187.** 20.115 (7) (j) of the statutes is repealed.

11 **SECTION 188.** 20.115 (7) (ja) of the statutes is created to read:

12 20.115 (7) (ja) *Plant protection*. All moneys received under s. 94.10 (2) and (3)
13 for plant protection, including nursery regulation and the detection and control of
14 plant pests.

15 **SECTION 189.** 20.115 (7) (qc) of the statutes is created to read:

16 20.115 (7) (qc) *Plant protection; conservation fund*. From the conservation
17 fund, the amounts in the schedule for plant protection, including nursery regulation
18 and control of plant pests.

19 **SECTION 190.** 20.115 (8) (g) of the statutes is amended to read:

20 20.115 (8) (g) *Gifts and grants*. Except as provided in ~~sub.~~ subs. (2) (gb) or, (3)
21 (ga), (4) (i) and (7) (gb), all moneys received from gifts and grants to carry out the
22 purposes for which made.

23 **SECTION 191.** 20.115 (8) (ga) of the statutes is amended to read:

24 20.115 (8) (ga) *Milk standards program*. All moneys received as payment for
25 milk standards produced and used in the calibration and verification of instruments

SENATE BILL 45**SECTION 191**

1 used for milk component testing and related costs for the milk standards program.
2 On June 30, 1990, 1991, 1992, 1993 and 1994, the department shall make payments,
3 of at least \$10,000 each year, to the general fund from this appropriation for the
4 purpose of reimbursing milk standards program start-up costs. The payments shall
5 total an amount equal to \$142,200 by June 30, 1994.

6 **SECTION 192.** 20.115 (8) (j) of the statutes is created to read:

7 20.115 (8) (j) *Electronic processing.* All moneys received under s. 93.06 (1n) to
8 be used for electronic processing authorized under s. 93.06 (1n) (a) and (b).

9 **SECTION 193.** 20.115 (8) (k) of the statutes is amended to read:

10 20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in
11 the schedule for the costs of computer system equipment, staff and services. All
12 moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (kp), (ks), (m)
13 and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha),
14 (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m) and (7) (g), (ga), (gm), (k) and (m)
15 received from the department for those purposes shall be credited to this
16 appropriation account.

17 **SECTION 194.** 20.143 (1) (a) of the statutes is amended to read:

18 20.143 (1) (a) *General program operations.* The amounts in the schedule for
19 general program operations under subchs. I and III to VIII of ch. 560, except for
20 general program operations under s. 560.87.

21 **SECTION 195.** 20.143 (1) (br) of the statutes is amended to read:

22 20.143 (1) (br) *Brownfields grant program; general purpose revenue.* The
23 amounts in the schedule for grants under s. 560.13 (2) (a).

SENATE BILL 45**SECTION 196**

1 **SECTION 196.** 20.143 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
2 237, section 24, and 1997 Wisconsin Act 310, section 1c, is repealed and recreated to
3 read:

4 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements and*
5 *assistance.* Biennially, the amounts in the schedule for grants under ss. 560.145,
6 560.16 and 560.175; for grants and loans under ss. 560.62, 560.63 and 560.66; for
7 loans under s. 560.147; for reimbursements under s. 560.167; for providing
8 assistance under s. 560.06; for the costs specified in s. 560.607; for the loan under
9 1999 Wisconsin Act ... (this act), section 9110 (4); and for the grants under 1995
10 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997
11 Wisconsin Act 27, section 9110 (6g), and 1999 Wisconsin Act ... (this act), section
12 9110 (5). Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal
13 years 1997-98 and 1998-99 for providing the assistance under s. 560.06 (1).
14 Notwithstanding s. 560.607, of the amounts in the schedule, \$125,000 shall be
15 allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998-99,
16 for grants and loans under s. 560.62 (1) (a).

17 **SECTION 197.** 20.143 (1) (df) of the statutes is renumbered 20.143 (1) (kf) and
18 amended to read:

19 20.143 (1) (kf) *American Indian economic development; technical assistance.*
20 The amounts in the schedule for grants under s. 560.875 (1). All moneys transferred
21 from the appropriation account under s. 20.505 (8) (hm) 6f. shall be credited to this
22 appropriation account.

23 **SECTION 198.** 20.143 (1) (dg) of the statutes is renumbered 20.143 (1) (kg) and
24 amended to read:

25 20.143 (1) (kg) *American Indian economic development; liaison.* The amounts
26 in the schedule for the American Indian economic liaison program under s. 560.87,

SENATE BILL 45**SECTION 198**

1 other than for grants under s. 560.87 (6). All moneys transferred from the
2 appropriation account under s. 20.505 (8) (hm) 6g. shall be credited to this
3 appropriation account.

4 **SECTION 199.** 20.143 (1) (dh) of the statutes is renumbered 20.143 (1) (kh) and
5 amended to read:

6 20.143 (1) (kh) *American Indian economic development; liaison — grants.* The
7 amounts in the schedule for grants under s. 560.87 (6). All moneys transferred from
8 the appropriation account under s. 20.505 (8) (hm) 6h. shall be credited to this
9 appropriation account.

10 **SECTION 200.** 20.143 (1) (dr) of the statutes is repealed.

11 **SECTION 201.** 20.143 (1) (e) of the statutes is repealed.

12 **SECTION 202.** 20.143 (1) (f) of the statutes is renumbered 20.143 (1) (kr) and
13 amended to read:

14 20.143 (1) (kr) *Physician and health care provider loan assistance programs,*
15 *repayments and contract.* ~~As a continuing appropriation, the amounts in the~~
16 ~~schedule~~ All moneys transferred from the appropriation account under s. 20.505 (8)
17 (hm) 6r. and all moneys transferred under 1999 Wisconsin Act (this act), section
18 9210 (1), for loan repayments under ss. 560.183 and 560.184 and for contracting
19 under ss. 560.183 (8) and 560.184 (7).

20 **SECTION 203.** 20.143 (1) (id) of the statutes is created to read:

21 20.143 (1) (id) *Gaming economic diversification grants and loans; repayments.*
22 All moneys received in repayment of loans under s. 560.138 to be used for grants and
23 loans under s. 560.138.

24 **SECTION 204.** 20.143 (1) (ie) of the statutes is amended to read:

SENATE BILL 45**SECTION 204**

1 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
2 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s.
3 560.16, 1995 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989
4 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m),
5 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f),
6 and 1997 Wisconsin Act 310, section 2 (2d), and 1999 Wisconsin Act (this act),
7 section 9110 (4), to be used for grants and loans under subch. V of ch. 560 except s.
8 560.65, for loans under s. 560.147, for grants under ~~s. ss.~~ 560.16, 560.175 and 560.25,
9 for assistance under s. 560.06 (2), for the loans loan under ~~1997 Wisconsin Act 27~~
10 1999 Wisconsin Act (this act), section 9110 (7f), and ~~1997 Wisconsin Act 310,~~
11 ~~section 2 (2d) (4),~~ and for reimbursements under s. 560.167.

12 **SECTION 205.** 20.143 (1) (ig) of the statutes is created to read:

13 20.143 (1) (ig) *Gaming economic development grants and loans; repayments.*
14 All moneys received in repayment of loans under s. 560.137 to be used for grants and
15 loans under s. 560.137.

16 **SECTION 206.** 20.143 (1) (kd) of the statutes is created to read:

17 20.143 (1) (kd) *Brownfields grant program; federal block grant transfer.* All
18 moneys transferred from the appropriation account under s. 20.445 (3) (md) for
19 grants under s. 560.13 (2) (am).

20 **SECTION 207.** 20.143 (1) (kj) of the statutes is created to read:

21 20.143 (1) (kj) *Gaming economic development grants and loans.* The amounts
22 in the schedule for grants and loans under s. 560.137, for marketing the program
23 under s. 560.137 and for the grants to Brown County under 1999 Wisconsin Act
24 (this act), section 9110 (1). From this appropriation, the department may expend in
25 each fiscal year for marketing the program under s. 560.137 no more than the

SENATE BILL 45**SECTION 207**

1 difference between \$100,000 and the amount that the department spends in the
2 same fiscal year from the appropriation under par. (km) for marketing the program
3 under s. 560.138. All moneys transferred from the appropriation account under s.
4 20.505 (8) (hm) 6j. shall be credited to this appropriation account.

5 **SECTION 208.** 20.143 (1) (kj) of the statutes, as created by 1999 Wisconsin Act
6 (this act), is amended to read:

7 20.143 (1) (kj) *Gaming economic development grants and loans.* The amounts
8 in the schedule for grants and loans under s. 560.137, and for marketing the program
9 under s. 560.137 ~~and for the grants to Brown County under 1999 Wisconsin Act~~
10 ~~(this act), section 9110 (4).~~ From this appropriation, the department may expend in
11 each fiscal year for marketing the program under s. 560.137 no more than the
12 difference between \$100,000 and the amount that the department spends in the
13 same fiscal year from the appropriation under par. (km) for marketing the program
14 under s. 560.138. All moneys transferred from the appropriation account under s.
15 20.505 (8) (hm) 6j. shall be credited to this appropriation account.

16 **SECTION 209.** 20.143 (1) (km) of the statutes is created to read:

17 20.143 (1) (km) *Gaming economic diversification grants and loans.* The
18 amounts in the schedule for grants and loans under s. 560.138 and for marketing the
19 program under s. 560.138. From this appropriation, the department may expend in
20 each fiscal year for marketing the program under s. 560.138 no more than the
21 difference between \$100,000 and the amount that the department spends in the
22 same fiscal year from the appropriation under par. (kj) for marketing the program
23 under s. 560.137. All moneys transferred from the appropriation account under s.
24 20.505 (8) (hm) 6m. shall be credited to this appropriation account.

25 **SECTION 210.** 20.143 (1) (L) of the statutes is amended to read:

SENATE BILL 45**SECTION 210**

1 20.143 (1) (L) *Recycling market development; repayments.* All moneys received
2 in repayment of loans awarded by the recycling market development board under s.
3 287.46 (1) and, received under s. 287.46 (3) in repayment of loans made by recipients
4 of financial assistance awarded by the recycling market development board under
5 s. 287.46 (1) and received in repayment of loans under s. 560.835, to be used for
6 recycling market development board contracts under s. 287.42 (3) and (3m) and to
7 provide financial assistance under subch. III of ch. 287.

8 **SECTION 211.** 20.143 (1) (L) of the statutes, as affected by 1997 Wisconsin Acts
9 27 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

10 20.143 (1) (L) *Recycling market development; repayments.* All moneys received
11 in repayment of loans awarded under s. 287.46 (1), 1995 stats., and s. 560.031,
12 received under s. 287.46 (3), 1995 stats., and s. 560.031 in repayment of loans made
13 by recipients of financial assistance awarded under s. 287.46 (1), 1995 stats., and s.
14 560.031 and received in repayment of loans under s. 560.835, to be used to provide
15 financial assistance under s. 560.031.

16 **SECTION 212.** 20.143 (1) (qm) of the statutes is amended to read:

17 20.143 (1) (qm) *Brownfields grant program; environmental fund.* From the
18 environmental fund, the amounts in the schedule for grants under s. 560.13 (2) (a).

19 **SECTION 213.** 20.143 (1) (s) of the statutes is repealed.

20 **SECTION 214.** 20.143 (1) (sm) of the statutes is repealed.

21 **SECTION 215.** 20.143 (1) (tm) of the statutes, as affected by 1997 Wisconsin Act
22 27, is repealed.

23 **SECTION 216.** 20.143 (3) (de) of the statutes is amended to read:

24 20.143 (3) (de) *Private Small sewage system replacement and rehabilitation.*

25 As a continuing appropriation, the amounts in the schedule for financial assistance

SENATE BILL 45**SECTION 216**

1 under the private small sewage system replacement and rehabilitation program
2 under s. 145.245.

3 **SECTION 217.** 20.143 (3) (s) of the statutes is created to read:

4 20.143 (3) (s) *Petroleum inspection fund — revenue obligation proceeds.* As a
5 continuing appropriation, all proceeds from revenue obligations that are issued
6 under subch. II or IV of ch. 18, authorized under s. 101.143 (9m) and deposited in a
7 fund in the state treasury created under s. 18.57 (1), to provide for reserves and for
8 expenses of issuance and management of the revenue obligations, and the remainder
9 to be transferred to the petroleum inspection fund for the purposes of the petroleum
10 storage remedial action program under s. 101.143. Estimated disbursements under
11 this paragraph shall not be included in the schedule under s. 20.005.

12 **SECTION 218.** 20.143 (3) (t) of the statutes is created to read:

13 20.143 (3) (t) *Petroleum inspection fund -- revenue obligation repayment.* From
14 the petroleum inspection fund, a sum sufficient to repay the fund in the state
15 treasury created under s. 18.57 (1) the amount needed to retire revenue obligations
16 issued under subch. II or IV of ch. 18, as authorized under s. 101.143 (9m).

17 **SECTION 219.** 20.143 (3) (u) of the statutes is created to read:

18 20.143 (3) (u) *Revenue obligation debt service -- petroleum inspection fund.*
19 From the fund in the state treasury created under s. 18.57 (1), all moneys received
20 by the fund for the purpose of the retirement of revenue obligations, providing for
21 reserves and for operations relating to the management and retirement of revenue
22 obligations issued under subch. II or IV of ch. 18, as authorized under s. 101.143 (9m).
23 All moneys received by the fund are irrevocably appropriated in accordance with
24 subch. II of ch. 18 and further established in resolutions authorizing the issuance of
25 the revenue obligations and setting forth the distribution of funds to be received

SENATE BILL 45**SECTION 219**

1 thereafter. Estimated disbursements under this paragraph shall not be included in
2 the schedule under s. 20.005.

3 **SECTION 220.** 20.143 (3) (v) of the statutes is amended to read:

4 20.143 (3) (v) *Petroleum storage environmental remedial action; awards.*
5 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay
6 awards under s. 101.143 and, legal costs incurred under s. 101.143 (7m), amounts
7 to reduce principal of outstanding revenue obligations issued pursuant to s. 101.143
8 (9m) and, if the department promulgates rules under s. 101.143 (2) (i) 1., to purchase,
9 or provide funding to purchase, insurance described in s. 101.143 (2) (i) 2.

10 **SECTION 221.** 20.143 (3) (vb) of the statutes is created to read:

11 20.143 (3) (vb) *Petroleum storage environmental remedial action revenue*
12 *bonding; awards.* From the petroleum inspection fund, a sum sufficient not to exceed
13 the net proceeds of special fund obligations issued pursuant to s. 101.143 (9m) to pay
14 awards under s. 101.143 and legal costs incurred under s. 101.143 (7m). Estimated
15 disbursements under this paragraph shall not be included in the schedule under s.
16 20.005.

17 **SECTION 222.** 20.144 (1) (g) of the statutes is amended to read:

18 20.144 (1) (g) *General program operations.* The amounts in the schedule for
19 the general program operations of the department of financial institutions. Except
20 as provided in pars. (a), (h), (i) and (u), all moneys received by the department, other
21 than by the office of credit unions, the division of banking and the division of savings
22 ~~and loan~~ institutions, and 88% of all moneys received by the department's division
23 of banking and the department's division of savings ~~and loan~~ institutions shall be
24 credited to this appropriation, but any balance at the close of a fiscal year exceeding
25 10% of the previous fiscal year's expenditures under this appropriation shall lapse

SENATE BILL 45**SECTION 222**

1 to the general fund. Annually, \$200,000 of the amounts received under this
2 appropriation account shall be transferred to the appropriation account under s.
3 20.575 (1) (g).

4 **SECTION 223.** 20.145 (1) (c) of the statutes is created to read:

5 20.145 (1) (c) *Grant for small employer health insurance purchasing pools.* The
6 amounts in the schedule for the grant under 1999 Wisconsin Act ... (this act), section
7 9126 (1).

8 **SECTION 224.** 20.145 (1) (c) of the statutes, as created by 1999 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 225.** 20.155 (1) (Lb) of the statutes is amended to read:

11 20.155 (1) (Lb) *Gifts for stray voltage program.* All moneys received from gifts
12 and grants for the purpose of the stray voltage program to carry out the purpose for
13 which received.

14 **SECTION 226.** 20.155 (1) (Lm) of the statutes is created to read:

15 20.155 (1) (Lm) *Consumer education and awareness.* All moneys received from
16 gifts, grants, orders, judgments and settlements for consumer education and
17 awareness to carry out the purpose for which received.

18 **SECTION 227.** 20.215 (1) (km) of the statutes is created to read:

19 20.215 (1) (km) *State aid for the arts; Indian gaming receipts.* The amounts in
20 the schedule for grants-in-aid or contract payments to American Indian groups,
21 individuals, organizations and institutions under s. 44.53 (1) (fm) and (2) (am). All
22 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4b. shall
23 be credited to this appropriation account.

24 **SECTION 228.** 20.218 of the statutes is created to read:

SENATE BILL 45**SECTION 228**

1 **20.218 Educational broadcasting corporation.** There is appropriated to
2 the corporation described under s. 39.81 for the following costs:

3 **(1) EDUCATIONAL BROADCASTING.** (a) *Initial costs.* The amounts in the schedule
4 for initial administrative costs.

5 (b) *Operational costs.* The amounts in the schedule for operational costs.

6 **SECTION 229.** 20.225 (1) (a) of the statutes is amended to read:

7 20.225 **(1)** (a) *General program operations.* The amounts in the schedule to
8 carry out its functions other than programming under ss. 39.11 and 39.13. If the
9 secretary of administration determines that the federal communications
10 commission has approved the transfer of all broadcasting licenses held by the board
11 and the board of regents of the University of Wisconsin System to the corporation
12 described under s. 39.81, on and after the effective date of the last license transferred
13 [revisor inserts date], no moneys may be encumbered under this paragraph.

14 **SECTION 230.** 20.225 (1) (b) of the statutes is amended to read:

15 20.225 **(1)** (b) *Energy costs.* The amounts in the schedule to pay for utilities and
16 for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and
17 16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans
18 made to the board under s. 16.847 (6). If the secretary of administration determines
19 that the federal communications commission has approved the transfer of all
20 broadcasting licenses held by the board and the board of regents of the University
21 of Wisconsin System to the corporation described under s. 39.81, on and after the
22 effective date of the last license transferred [revisor inserts date], no moneys may
23 be encumbered under this paragraph.

24 **SECTION 231.** 20.225 (1) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 231**

1 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
3 the acquisition, construction, development, enlargement or improvement of facilities
4 approved by the building commission for operation by the educational
5 communications board. If the secretary of administration determines that the
6 federal communications commission has approved the transfer of all broadcasting
7 licenses held by the board and the board of regents of the University of Wisconsin
8 System to the corporation described under s. 39.81, on and after the effective date
9 of the last license transferred [revisor inserts date], no moneys may be
10 encumbered under this paragraph.

11 **SECTION 232.** 20.225 (1) (d) of the statutes is amended to read:

12 20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule
13 to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary
14 of administration determines that the federal communications commission has
15 approved the transfer of all broadcasting licenses held by the board and the board
16 of regents of the University of Wisconsin System to the corporation described under
17 s. 39.81, on and after the effective date of the last license transferred [revisor
18 inserts date], no moneys may be encumbered under this paragraph.

19 **SECTION 233.** 20.225 (1) (eg) of the statutes is amended to read:

20 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the
21 amounts in the schedule to construct national weather service transmitters. If the
22 secretary of administration determines that the federal communications
23 commission has approved the transfer of all broadcasting licenses held by the board
24 and the board of regents of the University of Wisconsin System to the corporation

SENATE BILL 45**SECTION 233**

1 described under s. 39.81, on and after the effective date of the last license transferred
2 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

3 **SECTION 234.** 20.225 (1) (er) of the statutes is amended to read:

4 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
5 the transmitter constructed with moneys appropriated under par. (eg). If the
6 secretary of administration determines that the federal communications
7 commission has approved the transfer of all broadcasting licenses held by the board
8 and the board of regents of the University of Wisconsin System to the corporation
9 described under s. 39.81, on and after the effective date of the last license transferred
10 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

11 **SECTION 235.** 20.225 (1) (f) of the statutes is amended to read:

12 20.225 (1) (f) *Programming.* The amounts in the schedule for programming
13 under s. 39.11. If the secretary of administration determines that the federal
14 communications commission has approved the transfer of all broadcasting licenses
15 held by the board and the board of regents of the University of Wisconsin System to
16 the corporation described under s. 39.81, on and after the effective date of the last
17 license transferred ... [revisor inserts date], no moneys may be encumbered under
18 this paragraph.

19 **SECTION 236.** 20.225 (1) (g) of the statutes is amended to read:

20 20.225 (1) (g) *Gifts, grants, contracts and leases.* All moneys received from
21 gifts, grants, contracts and the lease of excess capacity to carry out the purposes for
22 which received. If the secretary of administration determines that the federal
23 communications commission has approved the transfer of all broadcasting licenses
24 held by the board and the board of regents of the University of Wisconsin System to
25 the corporation described under s. 39.81, on and after the effective date of the last

SENATE BILL 45**SECTION 236**

1 license transferred ... [revisor inserts date], no moneys may be encumbered under
2 this paragraph.

3 **SECTION 237.** 20.225 (1) (h) of the statutes is amended to read:

4 20.225 (1) (h) *Instructional material.* The amounts in the schedule for
5 providing instructional materials under s. 39.11 (16). All moneys received from the
6 sale of instructional material under s. 39.11 (16) and all moneys received under s.
7 39.115 (1) shall be credited to this appropriation. If the secretary of administration
8 determines that the federal communications commission has approved the transfer
9 of all broadcasting licenses held by the board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, on and
11 after the effective date of the last license transferred ... [revisor inserts date], no
12 moneys may be encumbered under this paragraph.

13 **SECTION 238.** 20.225 (1) (k) of the statutes is amended to read:

14 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
15 from other state agencies to carry out the purposes for which received. If the
16 secretary of administration determines that the federal communications
17 commission has approved the transfer of all broadcasting licenses held by the board
18 and the board of regents of the University of Wisconsin System to the corporation
19 described under s. 39.81, on and after the effective date of the last license transferred
20 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

21 **SECTION 239.** 20.225 (1) (ka) of the statutes is amended to read:

22 20.225 (1) (ka) *Information technology development projects.* The amounts in
23 the schedule for the purpose of conducting information technology development
24 projects approved under s. 16.971 (5). All moneys transferred from the appropriation
25 account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation

SENATE BILL 45**SECTION 239**

1 account. If the secretary of administration determines that the federal
2 communications commission has approved the transfer of all broadcasting licenses
3 held by the board and the board of regents of the University of Wisconsin System to
4 the corporation described under s. 39.81, on and after the effective date of the last
5 license transferred ... [revisor inserts date], no moneys may be encumbered under
6 this paragraph.

7 **SECTION 240.** 20.225 (1) (kb) of the statutes is amended to read:

8 20.225 (1) (kb) *Emergency weather warning system operation.* From the
9 moneys received by the department of administration for the provision of state
10 telecommunications and data processing services and sale of telecommunications
11 and data processing inventory items primarily to state agencies, the amounts in the
12 schedule for the operation of the emergency weather warning system under s. 39.11
13 (21). If the secretary of administration determines that the federal communications
14 commission has approved the transfer of all broadcasting licenses held by the board
15 and the board of regents of the University of Wisconsin System to the corporation
16 described under s. 39.81, on and after the effective date of the last license transferred
17 ... [revisor inserts date], no moneys may be encumbered under this paragraph.

18 **SECTION 241.** 20.225 (1) (m) of the statutes is amended to read:

19 20.225 (1) (m) *Federal grants.* All moneys received from the federal
20 government as authorized by the governor under s. 16.54 for the purposes for which
21 made and received. If the secretary of administration determines that the federal
22 communications commission has approved the transfer of all broadcasting licenses
23 held by the board and the board of regents of the University of Wisconsin System to
24 the corporation described under s. 39.81, on and after the effective date of the last

SENATE BILL 45**SECTION 241**

1 license transferred ... [revisor inserts date], no moneys may be encumbered under
2 this paragraph.

3 **SECTION 242.** 20.235 (1) (fb) of the statutes is renumbered 20.235 (1) (k) and
4 amended to read:

5 20.235 (1) (k) *Indian student assistance.* Biennially, the amounts in the
6 schedule to carry out the purposes of s. 39.38. All moneys transferred from the
7 appropriation account under s. 20.505 (8) (hm) 4i. shall be credited to this
8 appropriation account.

9 **SECTION 243.** 20.235 (1) (fy) (title) of the statutes is repealed and recreated to
10 read:

11 20.235 (1) (fy) (title) *Governor's scholarship program.*

12 **SECTION 244.** 20.235 (1) (km) of the statutes is created to read:

13 20.235 (1) (km) *Wisconsin higher education grants; tribal college students.*
14 Biennially, the amounts in the schedule for the Wisconsin higher education grant
15 program under s. 39.435 for tribal college students, except for grants awarded under
16 s. 39.435 (2) or (5). All moneys transferred from the appropriation account under s.
17 20.505 (8) (hm) 10. shall be credited to this appropriation account.

18 **SECTION 245.** 20.235 (3) (title) of the statutes is repealed and recreated to read:

19 20.235 (3) (title) SCHOOL APPROVAL.

20 **SECTION 246.** 20.235 (3) (m) of the statutes is repealed.

21 **SECTION 247.** 20.245 (2) (km) of the statutes is created to read:

22 20.245 (2) (km) *Northern Great Lakes Center.* The amounts in the schedule for
23 the operation of the Northern Great Lakes Center historic site. All moneys
24 transferred from the appropriation account under s. 20.505 (8) (hm) 4h. shall be
25 credited to this appropriation account.

SENATE BILL 45**SECTION 248**

1 **SECTION 248.** 20.245 (4) (y) of the statutes is renumbered 20.245 (2) (y) and
2 amended to read:

3 20.245 (2) (y) *Northern Great Lakes Center; interpretive programming*. From
4 the conservation fund, the amounts in the schedule for interpretative programming
5 at the Northern Great Lakes Center historic site.

6 **SECTION 249.** 20.250 (1) (c) of the statutes is repealed.

7 **SECTION 250.** 20.250 (1) (d) of the statutes is created to read:

8 20.250 (1) (d) *Tobacco-related illnesses*. The amounts in the schedule for the
9 study and prevention of tobacco-related illnesses.

10 **SECTION 251.** 20.255 (1) (fw) of the statutes is created to read:

11 20.255 (1) (fw) *Educational programming*. The amounts in the schedule for
12 contracting with the corporation described under s. 39.81 for educational
13 programming.

14 **SECTION 252.** 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
15 amended to read:

16 20.255 (1) (kd) *Alcohol and other drug abuse program*. ~~All moneys received~~
17 ~~under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36 (2) and
18 the administration of s. 115.36 (3). All moneys transferred from the appropriation
19 account under s. 20.505 (6) (j) 4. shall be credited to this appropriation account.

20 **SECTION 253.** 20.255 (2) (ac) of the statutes is amended to read:

21 20.255 (2) (ac) *General equalization aids*. A sum sufficient for the payment of
22 educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal
23 to \$3,318,488,800 in the 1997-98 fiscal year, equal to \$3,460,133,800 in the 1998-99
24 fiscal year and equal to the amount determined by the joint committee on finance

SENATE BILL 45**SECTION 253**

1 under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated
2 under par. (bi) and less the amounts paid under ss. 118.40 (2r) (e) and 119.23 (4).

3 **SECTION 254.** 20.255 (2) (b) of the statutes is amended to read:

4 20.255 (2) (b) *Aids for special education and school age parents programs.* The
5 amounts in the schedule for the payment of aids for public and private school pupils
6 special education and school age parents programs under ss. 115.88, 115.93 and
7 118.255.

8 **SECTION 255.** 20.255 (2) (c) of the statutes is created to read:

9 20.255 (2) (c) *Grants for smoking prevention programs.* The amounts in the
10 schedule for grants for smoking prevention programs under s. 115.363.

11 **SECTION 256.** 20.255 (2) (ci) of the statutes is renumbered 20.255 (2) (km) and
12 amended to read:

13 20.255 (2) (km) *Alternative school American Indian language and culture*
14 *education aid.* The amounts in the schedule for the payment of aid to alternative
15 schools for American Indian language and culture education programs under s.
16 115.75. All moneys transferred from the appropriation account under s. 20.505 (8)
17 (hm) 11. shall be credited to this appropriation account.

18 **SECTION 257.** 20.255 (2) (cu) of the statutes is amended to read:

19 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
20 for aid to school districts and the program evaluation under s. 118.43. No funds may
21 be encumbered from this appropriation after June 30, ~~2003~~ 2005.

22 **SECTION 258.** 20.255 (2) (d) of the statutes is repealed.

23 **SECTION 259.** 20.255 (2) (dc) of the statutes is repealed.

24 **SECTION 260.** 20.255 (2) (dm) (title) of the statutes is amended to read:

SENATE BILL 45**SECTION 260**

1 20.255 (2) (dm) (title) *Grants for early alcohol and other drug abuse prevention*
2 *and intervention programs.*

3 **SECTION 261.** 20.255 (2) (ec) of the statutes is amended to read:

4 20.255 (2) (ec) *Aid to Milwaukee public schools; general purpose revenue.* The
5 amounts in the schedule ~~to correct the academic deficiencies of educationally and~~
6 ~~economically disadvantaged pupils and to achieve a more effective and responsive~~
7 ~~educational program in~~ for aid to the school district operating under ch. 119. ~~In the~~
8 ~~1993-94 fiscal year and in each fiscal year thereafter, the amount in the schedule~~
9 ~~shall~~ under ss. 119.74 and 119.78, to be distributed according to the spending plan
10 ~~under s. 119.80. The department of public instruction may not distribute any funds~~
11 ~~in the appropriation under this paragraph in the 1993-94 fiscal year or in any fiscal~~
12 ~~year thereafter until the spending plan for that fiscal year has been approved under~~
13 ~~s. 119.80.~~

14 **SECTION 262.** 20.255 (2) (ed) of the statutes is repealed.

15 **SECTION 263.** 20.255 (2) (eh) of the statutes is renumbered 20.255 (2) (kh) and
16 amended to read:

17 20.255 (2) (kh) *Head start supplement.* ~~The amounts in the schedule~~ All
18 moneys transferred from the appropriation account under s. 20.445 (3) (md) for the
19 head start supplement under s. 115.3615.

20 **SECTION 264.** 20.255 (2) (fL) of the statutes is created to read:

21 20.255 (2) (fL) *Grants for staff development.* The amounts in the schedule for
22 the grant program for staff development under s. 115.406.

23 **SECTION 265.** 20.255 (2) (fy) of the statutes is repealed.

24 **SECTION 266.** 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
25 amended to read:

SENATE BILL 45**SECTION 266**

1 20.255 (2) (kd) *Aid for alcohol and other drug abuse programs.* All moneys
2 received under s. 165.87 (1) The amounts in the schedule for the purpose of s. 115.36
3 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j) 5.
4 shall be credited to this appropriation account.

5 **SECTION 267.** 20.255 (2) (kp) of the statutes is created to read:

6 20.255 (2) (kp) *Aid to Milwaukee Public Schools; federal block grant aids.* The
7 amounts in the schedule for aid to the school district operating under ch. 119 under
8 ss. 119.71, 119.72, 119.75 and 119.82, to be distributed according to the spending plan
9 under s. 119.80. All moneys transferred from the appropriation account under s.
10 20.445 (3) (md) shall be credited to this appropriation.

11 **SECTION 268.** 20.255 (3) (eb) of the statutes is repealed.

12 **SECTION 269.** 20.255 (3) (ed) of the statutes is repealed.

13 **SECTION 270.** 20.255 (3) (ef) of the statutes is renumbered 20.445 (7) (ef) and
14 amended to read:

15 20.445 (7) (ef) *School-to-work programs for children at risk.* The amounts in
16 the schedule for grants to nonprofit organizations under s. ~~118.153 (3m)~~ 106.13 (4m).

17 **SECTION 271.** 20.275 (1) (b) of the statutes is created to read:

18 20.275 (1) (b) *Foreign language instruction grants.* The amounts in the
19 schedule for foreign language instruction grants under s. 44.72 (5).

20 **SECTION 272.** 20.275 (1) (er) of the statutes is amended to read:

21 20.275 (1) (er) *Principal, interest and rebates; general purpose revenue — public*
22 *library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
23 principal and interest costs incurred in financing subsidized educational technology
24 infrastructure loans financial assistance to public library boards under s. 44.72 (4)
25 and to make full payment of the amounts determined by the building commission

SENATE BILL 45

1 under s. 13.488 (1) (m), to the extent that these costs and payments are not paid
2 under par. (hb).

3 **SECTION 273.** 20.275 (1) (es) of the statutes is amended to read:

4 20.275 (1) (es) *Principal, interest and rebates; general purpose revenue — school*
5 *districts.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
6 and interest costs incurred in financing subsidized educational technology
7 infrastructure loans financial assistance to school districts under s. 44.72 (4) and to
8 make full payment of the amounts determined by the building commission under s.
9 13.488 (1) (m), to the extent that these costs and payments are not paid under par.
10 (h).

11 **SECTION 274.** 20.275 (1) (fs) of the statutes is repealed.

12 **SECTION 275.** 20.275 (1) (gm) of the statutes is created to read:

13 20.275 (1) (gm) *Wisconsin advanced telecommunications foundation services.*
14 All moneys received from the Wisconsin advanced telecommunications foundation
15 to provide administrative services to the Wisconsin advanced telecommunications
16 foundation under contracts under s. 44.71 (2) (bm).

17 **SECTION 276.** 20.275 (1) (h) of the statutes is amended to read:

18 20.275 (1) (h) *Principal, interest and rebates; program revenue — school*
19 *districts.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for
20 the payment of principal and interest costs incurred in financing subsidized
21 educational technology infrastructure loans financial assistance to school districts
22 under s. 44.72 (4) and to make full payment of the amounts determined by the
23 building commission under s. 13.488 (1) (m).

24 **SECTION 277.** 20.275 (1) (hb) of the statutes is amended to read:

SENATE BILL 45**SECTION 277**

1 20.275 (1) (hb) *Principal, interest and rebates; program revenue — public*
2 *library boards.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1)
3 (u) for the payment of principal and interest costs incurred in financing subsidized
4 educational technology infrastructure loans financial assistance to public library
5 boards under s. 44.72 (4) and to make full payment of the amounts determined by the
6 building commission under s. 13.488 (1) (m).

7 **SECTION 278.** 20.275 (1) (L) of the statutes is amended to read:

8 20.275 (1) (L) *Equipment purchases and leases.* All moneys received from
9 school districts, cooperative educational service agencies and public educational
10 institutions for the purchase or lease of educational technology equipment under s.
11 44.71 (2) ~~(h)~~ (a) 8., for the purpose of purchasing such equipment.

12 **SECTION 279.** 20.275 (1) (s) of the statutes is amended to read:

13 20.275 (1) (s) *Educational telecommunications* Telecommunications *access*
14 *support; school districts, cooperative educational service agencies and technical*
15 *college districts.* Biennially, from the universal service fund, the amounts in the
16 schedule to make payments to telecommunications providers under contracts with
17 the department of administration under s. 16.974 (7) (a) to the extent that the
18 amounts due are not paid from the appropriation under s. 20.505 (1) (is) and, prior
19 to July 1, 2002, to make grants to school districts under s. ~~196.218 (4r) (g)~~ 44.73 (6).

20 **SECTION 280.** 20.275 (1) (t) (title) of the statutes is amended to read:

21 20.275 (1) (t) (title) *Educational telecommunications* Telecommunications
22 *access support; private* and technical *colleges and public library boards* libraries.

23 **SECTION 281.** 20.275 (1) (tm) of the statutes is amended to read:

24 20.275 (1) (tm) *Educational telecommunications* Telecommunications *access*
25 *support; private schools.* Biennially, from the universal service fund, the amounts

SENATE BILL 45**SECTION 281**

1 in the schedule to make payments to telecommunications providers under contracts
2 with the department of administration under s. 16.974 (7) (c) to the extent that the
3 amounts due are not paid from the appropriation under s. 20.505 (1) (is) and, prior
4 to July 1, 2002, to make grants to private schools under s. ~~196.218 (4r) (g)~~ 44.73 (6).

5 **SECTION 282.** 20.275 (1) (tr) of the statutes is created to read:

6 20.275 (1) (tr) *Institutional assistance support.* Biennially, from the universal
7 service fund, the amounts in the schedule to make support payments to institutions
8 under 1999 Wisconsin Act ... (this act), section 9158 (5). No moneys may be
9 encumbered from this appropriation after June 30, 2001.

10 **SECTION 283.** 20.275 (1) (tu) of the statutes is created to read:

11 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
12 universal service fund, the amounts in the schedule to make payments to
13 telecommunications providers under contracts with the department of
14 administration under s. 16.974 (7) (d) to the extent that the amounts due are not paid
15 from the appropriation under s. 20.505 (1) (is).

16 **SECTION 284.** 20.285 (1) (a) of the statutes is amended to read:

17 20.285 (1) (a) *General program operations.* The amounts in the schedule for
18 the purpose of educational programs and related programs, alcohol and other drug
19 abuse prevention and intervention, extension outreach and farm safety program
20 grants. Any transfers between the instruction, research, public service, libraries,
21 learning resources and media, farm operations, student services, auxiliary
22 enterprises, physical plant or general operations and services subprograms shall be
23 reported quarterly to the department of administration. The board of regents may
24 not encumber amounts appropriated under this paragraph for groundwater
25 research without the approval of the secretary of administration.

SENATE BILL 45**SECTION 285**

1 **SECTION 285.** 20.285 (1) (b) of the statutes is amended to read:

2 20.285 (1) (b) *Area health education center.* The amounts in the schedule for
3 ~~the to operate and implement jointly with the Medical College of Wisconsin~~ area
4 health education center at the University of Wisconsin-Madison under s. 36.25 (37)
5 centers and projects.

6 **SECTION 286.** 20.285 (1) (eo) of the statutes is repealed.

7 **SECTION 287.** 20.285 (1) (fs) of the statutes is repealed.

8 **SECTION 288.** 20.285 (1) (fu) of the statutes is created to read:

9 20.285 (1) (fu) *Educational programming.* The amounts in the schedule for
10 contracting with the corporation described under s. 39.81 for educational
11 programming.

12 **SECTION 289.** 20.285 (1) (fx) of the statutes is repealed.

13 **SECTION 290.** 20.285 (1) (gm) of the statutes is repealed.

14 **SECTION 291.** 20.285 (1) (h) of the statutes is amended to read:

15 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under par. (gm) and
16 subs. (5) (i) and (6) (g), all moneys received by the university of Wisconsin system for
17 or on account of any housing facility, commons, dining halls, cafeteria, student union,
18 athletic activities, stationery stand or bookstore, parking facilities or car fleet, or
19 such other auxiliary enterprise activities as the board designates and including such
20 fee revenues as allocated by the board and including such moneys received under
21 leases entered into previously with nonprofit building corporations as the board
22 designates to be receipts under this paragraph, to be used for the operation,
23 maintenance and capital expenditures of activities specified in this paragraph,
24 including the transfer of funds to pars. (kd) and (ke) and to nonprofit building
25 corporations to be used by the corporations for the retirement of existing

SENATE BILL 45**SECTION 291**

1 indebtedness and such other payments as may be required under existing loan
2 agreements, and for optional rental payments in addition to the mandatory rental
3 payments under the leases and subleases in connection with the providing of
4 facilities for such activities. A separate account shall be maintained for each campus
5 and extension. Upon the request of the extension or any campus within the system,
6 the board of regents may transfer surplus moneys appropriated under this
7 paragraph to the appropriation account under par. (kp).

8 **SECTION 292.** 20.285 (1) (im) of the statutes is amended to read:

9 20.285 (1) (im) *Academic student fees.* ~~Except as provided in sub. (2) (i) 1., the~~
10 ~~amounts in the schedule~~ Except as provided under pars. (ip), (Lm) and (Ls), all
11 moneys received from academic student fees for degree credit instruction, other than
12 for credit outreach instruction sponsored by the University of Wisconsin-Extension.
13 ~~Except as provided under pars. (ip), (Lm) and (Ls), all moneys received from~~
14 ~~academic student fees shall be credited to this appropriation.~~

15 **SECTION 293.** 20.285 (1) (km) of the statutes is created to read:

16 20.285 (1) (km) *Aquaculture demonstration facility; principal repayment and*
17 *interest.* The amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment
18 of principal and interest costs incurred in financing the construction of the Ashland
19 full-scale aquaculture demonstration facility authorized under 1999 Wisconsin Act
20 (this act), section 9107 (1) (a) 1., and to make the payments determined by the
21 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
22 obligations incurred in financing that facility. All moneys transferred from the
23 appropriation account under s. 20.505 (8) (hm) 1c. shall be credited to this
24 appropriation account.

25 **SECTION 294.** 20.285 (1) (kn) of the statutes is created to read:

SENATE BILL 45**SECTION 294**

1 20.285 (1) (kn) *Aquaculture demonstration facility; operational costs.* The
2 amounts in the schedule for the operational costs of the Ashland full-scale
3 aquaculture demonstration facility authorized under 1999 Wisconsin Act ... (this
4 act), section 9107 (1) (a) 1. All moneys transferred from the appropriation account
5 under s. 20.505 (8) (hm) 11a. shall be credited to this appropriation account.

6 **SECTION 295.** 20.285 (2) (i) (title) of the statutes is amended to read:

7 20.285 (2) (i) (title) *Expenditures from ~~program revenue appropriations~~ federal*
8 *indirect cost reimbursement appropriation.*

9 **SECTION 296.** 20.285 (2) (i) 1. of the statutes is repealed.

10 **SECTION 297.** 20.285 (2) (i) 2. of the statutes is renumbered 20.285 (2) (i).

11 **SECTION 298.** 20.285 (4) (de) of the statutes is repealed.

12 **SECTION 299.** 20.292 (1) (cm) of the statutes is repealed.

13 **SECTION 300.** 20.292 (1) (d) of the statutes is amended to read:

14 20.292 (1) (d) *State aid for technical colleges; statewide guide.* The amounts in
15 the schedule for state aids for technical college districts and technical colleges,
16 including area schools and programs established and maintained under the
17 supervision of the board ~~to be distributed,~~ under s. 38.28 (2) (b), and for production
18 and distribution of the statewide guide under s. 38.04 (18). Of the amount in the
19 schedule for each fiscal year not exceeding \$50,000 may be spent by the board to
20 match federal funds made available for technical education by any act of congress for
21 the purposes set forth in such act and no more than \$125,000 may be spent by the
22 board to produce and distribute the statewide guide under s. 38.04 (18). If, in any
23 fiscal year, actual program fees raised under s. 38.24 (1m) exceed board estimates,
24 the increase shall be used to offset actual district aidable cost.

25 **SECTION 301.** 20.292 (1) (er) of the statutes is created to read:

SENATE BILL 45**SECTION 301**

1 20.292 (1) (er) *Printing program*. The amounts in the schedule for the printing
2 program grant under 1999 Wisconsin Act ... (this act), section 9147 (1). No moneys
3 may be encumbered from the appropriation under this paragraph after June 30,
4 2001.

5 **SECTION 302.** 20.292 (1) (gt) of the statutes is amended to read:

6 20.292 (1) (gt) *Telecommunications retraining*. All moneys received under s.
7 38.42 (4) to fund telecommunications retraining grants under s. 38.42 (5). This
8 paragraph does not apply after June 30, ~~1999~~ 2000.

9 **SECTION 303.** 20.315 of the statutes is repealed.

10 **SECTION 304.** 20.320 (3) of the statutes is created to read:

11 20.320 (3) PRIVATE SEWAGE SYSTEM PROGRAM. (q) *Private sewage system loans*.
12 From the environmental improvement fund, the amounts in the schedule for private
13 sewage system replacement or rehabilitation loans under s. 145.245 (12m).

14 **SECTION 305.** 20.320 (3) of the statutes, as created by 1999 Wisconsin Act ...
15 (this act), is amended to read:

16 20.320 (3) PRIVATE SMALL SEWAGE SYSTEM PROGRAM. (q) *Private Small sewage*
17 *system loans*. From the environmental improvement fund, the amounts in the
18 schedule for private small sewage system replacement or rehabilitation loans under
19 s. 145.245 (12m).

20 **SECTION 306.** 20.370 (1) (ct) of the statutes is created to read:

21 20.370 (1) (ct) *Timber sales contracts — repair and reimbursement costs*. All
22 moneys received by the department as sureties under s. 28.05 (1) to be used to repair
23 damage and recover costs incurred by the improper performance of timber sales
24 contracts and to reimburse persons who provide sureties as provided in s. 28.05 (1).

25 **SECTION 307.** 20.370 (1) (hk) of the statutes is created to read:

SENATE BILL 45**SECTION 307**

1 20.370 (1) (hk) *Elk management*. From the general fund, the amounts in the
2 schedule for the costs associated with the management of the elk population in this
3 state and for the costs associated with the transportation of elk brought into the
4 state. All moneys transferred from the appropriation account under s. 20.505 (8)
5 (hm) 8g. shall be credited to this appropriation account.

6 **SECTION 308.** 20.370 (1) (iu) of the statutes is created to read:

7 20.370 (1) (iu) *Gravel pit reclamation*. All moneys received under s. 23.20 to
8 be used to reclaim gravel pits and similar facilities on property under the jurisdiction
9 of the department of natural resources.

10 **SECTION 309.** 20.370 (1) (mt) of the statutes is created to read:

11 20.370 (1) (mt) *Land preservation and management — endowment fund*. From
12 the natural resources land endowment fund, a sum sufficient for preserving,
13 developing, managing or maintaining land as provided in s. 23.0917 (2).

14 **SECTION 310.** 20.370 (2) (bg) of the statutes is amended to read:

15 20.370 (2) (bg) *Air management — stationary sources*. The amounts in the
16 schedule for purposes related to stationary sources of air contaminants as specified
17 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)
18 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees
19 imposed under s. 285.69 (2) (a) and (e), except moneys appropriated under subs. (3)
20 (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69
21 (7) shall be credited to this appropriation.

22 **SECTION 311.** 20.370 (2) (fq) of the statutes is created to read:

23 20.370 (2) (fq) *Indemnification agreements*. From the environmental fund, a
24 sum sufficient to provide indemnification under agreements under s. 292.70.

25 **SECTION 312.** 20.370 (3) (ak) of the statutes is created to read:

SENATE BILL 45**SECTION 312**

1 20.370 (3) (ak) *Law enforcement — snowmobile enforcement and safety*
2 *training; service funds.* From the general fund, the amounts in the schedule for
3 snowmobile enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3. and 3m.
4 and 350.155 and for safety training and fatality reporting. All moneys transferred
5 from the appropriation account under s. 20.505 (8) (hm) 8k. shall be credited to this
6 appropriation account.

7 **SECTION 313.** 20.370 (3) (aq) of the statutes is amended to read:

8 20.370 (3) (aq) *Law enforcement — snowmobile enforcement and safety*
9 *training.* The amounts in the schedule from the snowmobile account in the
10 conservation fund for state law enforcement operations and under ss. 350.055,
11 350.12 (4) (a) 2m., 3. and 3m. and 350.155 and for safety training and fatality
12 reporting.

13 **SECTION 314.** 20.370 (3) (at) of the statutes is created to read:

14 20.370 (3) (at) *Education and safety programs.* Fifty percent of all moneys
15 remitted to the department of natural resources under s. 29.591 (3) and all moneys
16 remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055 for
17 programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and
18 350.055.

19 **SECTION 315.** 20.370 (3) (au) of the statutes is created to read:

20 20.370 (3) (au) *Natural resources law violation hotline.* All moneys received
21 from gifts, grants and bequests under s. 23.38 (8) to pay rewards to individuals who
22 provide information to the department under the reward program established under
23 s. 23.38 (3).

24 **SECTION 316.** 20.370 (3) (bg) of the statutes is amended to read:

SENATE BILL 45**SECTION 316**

1 20.370 (3) (bg) *Enforcement — stationary sources*. From the general fund, from
2 the moneys received from fees imposed, under s. 285.69 (2) (a) and (e), the amounts
3 in the schedule for enforcement operations related to stationary sources of air
4 contaminants.

5 **SECTION 317.** 20.370 (4) (bg) of the statutes is created to read:

6 20.370 (4) (bg) *Water regulation and zoning — computer access fees*. From the
7 general fund, all moneys received under s. 23.322 from fees collected for providing
8 computer accessible information.

9 **SECTION 318.** 20.370 (4) (kk) of the statutes is created to read:

10 20.370 (4) (kk) *Fishery resources for ceded territories*. From the general fund,
11 the amounts in the schedule for the management of the state's fishery resources
12 within an area where federally recognized American Indian tribes or bands
13 domiciled in this state hold treaty-based, off-reservation rights to fish and for
14 liaison activities with these tribes or bands that relate to fishery resources. All
15 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8d. shall
16 be credited to this appropriation account.

17 **SECTION 319.** 20.370 (5) (by) of the statutes is amended to read:

18 20.370 (5) (by) *Resource aids — fire suppression grants*. The amounts in the
19 schedule for grants for fire suppression clothing, supplies, equipment and vehicles
20 under s. 26.145. ~~No moneys may be encumbered under this paragraph after June~~
21 ~~30, 1999.~~

22 **SECTION 320.** 20.370 (5) (cw) of the statutes is created to read:

23 20.370 (5) (cw) *Recreation aid — supplemental snowmobile trail aids*. As a
24 continuing appropriation, from the snowmobile account in the conservation fund an

SENATE BILL 45**SECTION 320**

1 amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes
2 specified in s. 350.12 (4) (b).

3 **SECTION 321.** 20.370 (5) (ea) of the statutes is renumbered 20.370 (5) (ek) and
4 amended to read:

5 20.370 (5) (ek) *Enforcement aids — spearfishing enforcement.* ~~As a continuing~~
6 ~~appropriation from~~ From the general fund, the amounts in the schedule to make
7 payments to counties and municipalities under s. 29.947 to reimburse them for
8 certain law enforcement costs associated with spearfishing. All moneys transferred
9 from the appropriation account under s. 20.505 (8) (hm) 8m. shall be credited to this
10 appropriation account.

11 **SECTION 322.** 20.370 (5) (fq) of the statutes is amended to read:

12 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
13 under ss. 29.181 (3), 29.559 (1r) (b) and 29.563 (13) and not appropriated under par.
14 (fr) and sub. (1) (Ls) to provide state aid under the wildlife damage abatement
15 program under s. 29.889 (5) (c) and the wildlife damage claim program under s.
16 29.889 (7) (d) and for county administration costs under s. 29.889 (2) (d).

17 **SECTION 323.** 20.370 (6) (ak) of the statutes is created to read:

18 20.370 (6) (ak) *Environmental aids — nonpoint source; Indian gaming.* The
19 amounts in the schedule for nonpoint cost-sharing grants under s. 281.65. All
20 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 17. shall
21 be credited to this appropriation account.

22 **SECTION 324.** 20.370 (6) (ar) of the statutes is amended to read:

23 20.370 (6) (ar) *Environmental aids — lake management and river grants;*
24 conservation fund. From the conservation fund, as a continuing appropriation, the

SENATE BILL 45**SECTION 324**

1 amounts in the schedule for lake management and classification grants and
2 contracts under s. 281.69 and for river protection grants under s. 281.70.

3 **SECTION 325.** 20.370 (6) (au) of the statutes is created to read:

4 20.370 (6) (au) *Environmental aids — lake and river grants; environmental*
5 *fund.* From the environmental fund, as a continuing appropriation, the amounts in
6 the schedule for lake management and classification grants under s. 281.69 and river
7 protection grants under s. 281.70.

8 **SECTION 326.** 20.370 (6) (bq) 9. of the statutes is amended to read:

9 20.370 (6) (bq) 9. In fiscal year 1999-2000, ~~\$231,749,200~~ \$227,749,200 plus the
10 amount of any refunds under s. 287.23 in prior fiscal years, less the amount
11 encumbered under subds. 1. to 8.

12 **SECTION 327.** 20.370 (6) (bq) 10. of the statutes is created to read:

13 20.370 (6) (bq) 10. In fiscal year 2000-01, \$242,749,200 plus the amount of any
14 refunds under s. 287.23 in prior fiscal years, less the amount encumbered under
15 subds. 1. to 9.

16 **SECTION 328.** 20.370 (6) (br) of the statutes is amended to read:

17 20.370 (6) (br) *Environmental aids — waste reduction and recycling*
18 *demonstration grants.* From the recycling fund, as a continuing appropriation, the
19 amounts in the schedule for waste reduction and recycling demonstration grants
20 under s. 287.25 and the grants required under ~~1997 Wisconsin Act 237, section 9136~~
21 ~~(2f)~~ 1999 Wisconsin Act (this act), section 9136 (9).

22 **SECTION 329.** 20.370 (6) (ck) of the statutes is created to read:

23 20.370 (6) (ck) *Environmental aids — drinking water study.* The amounts in
24 the schedule for the drinking water study under 1999 Wisconsin Act (this act),

SENATE BILL 45

1 section 9136 (4). All moneys transferred from the appropriation account under s.
2 20.505 (8) (hm) 17g. shall be credited to this appropriation account.

3 **SECTION 330.** 20.370 (6) (ck) of the statutes, as created by 1999 Wisconsin Act
4 (this act), is repealed.

5 **SECTION 331.** 20.370 (6) (dk) of the statutes is created to read:

6 20.370 (6) (dk) *Environmental aids — Oneida Nation; Indian gaming.* The
7 amounts in the schedule for nonpoint grants and assistance to the Oneida Nation of
8 Chippewa under s. 281.65. All moneys transferred from the appropriation account
9 under s. 20.505 (8) (hm) 17e. shall be credited to this appropriation account.

10 **SECTION 332.** 20.370 (6) (eq) of the statutes is amended to read:

11 20.370 (6) (eq) *Environmental aids — dry cleaner environmental response.*
12 From the dry cleaner environmental response fund, the amounts in the schedule for
13 financial assistance under ss. 292.65 and 292.66 and to make transfers required
14 under s. 292.65 (11).

15 **SECTION 333.** 20.370 (6) (et) of the statutes is created to read:

16 20.370 (6) (et) *Environmental aids — brownfield site assessment.* From the
17 environmental fund, the amounts in the schedule for brownfield site assessment
18 grants under s. 292.75.

19 **SECTION 334.** 20.370 (7) (fk) of the statutes is created to read:

20 20.370 (7) (fk) *Resource acquisition and development — service funds;*
21 *transportation moneys.* All moneys received by the department from the department
22 of transportation for the acquisition of land for, or for construction or development
23 of, facilities, or for materials or services provided by the department, to pay for
24 expenses associated with those facilities, materials or services.

25 **SECTION 335.** 20.370 (8) (mg) of the statutes is amended to read:

SENATE BILL 45**SECTION 335**

1 20.370 (8) (mg) *General program operations — stationary sources.* From the
2 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
3 (e), the amounts in the schedule for the administration of the operation permit
4 program under ch. 285 and s. 299.15.

5 **SECTION 336.** 20.370 (8) (mt) of the statutes is amended to read:

6 20.370 (8) (mt) *Equipment pool operations.* All moneys received by the
7 department from the department or from other state agencies from car, truck,
8 airplane, heavy equipment, information technology or radio pools for operation,
9 maintenance, replacement and purchase of vehicles, equipment, radio services and
10 information technology.

11 **SECTION 337.** 20.370 (9) (hk) of the statutes is created to read:

12 20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From
13 the general fund, the amounts in the schedule for the purpose of making payments
14 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a).
15 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r.
16 shall be credited to this appropriation account.

17 **SECTION 338.** 20.370 (9) (ht) of the statutes is amended to read:

18 20.370 (9) (ht) *Approval fees to Lac du Flambeau band.* A sum sufficient that
19 is equal to the amount ~~calculated under s. 29.2295 (4) (b), for the purpose of making~~
20 necessary to make full payments to the Lac du Flambeau band of the Lake Superior
21 Chippewa under s. 29.2295 (4) ~~(a) (c) 2.~~

22 **SECTION 339.** 20.370 (9) (hu) of the statutes is amended to read:

23 20.370 (9) (hu) *Handling, issuing and approval list fees.* All moneys received
24 by the department under s. ss. 23.33 (2) (o), 29.242, 29.556, 30.52 (1m) (e) and 350.12
25 (3h) (g) ~~for the handling of approvals by the department under s. 29.556~~ licensing.

SENATE BILL 45**SECTION 339**

1 for the issuing and renewing of certificates by the department under ss. 23.33 (2) (i),
2 30.52 (1m) and 350.12 (3h) and for production and other costs for approval lists
3 produced under s. 29.242.

4 **SECTION 340.** 20.370 (9) (iq) of the statutes is amended to read:

5 20.370 (9) (iq) *Natural resources magazine.* All moneys received from
6 subscriptions and other revenues generated by Wisconsin natural resources
7 magazine, to be used for its production, handling and distribution and for
8 educational and informational activities concerning conservation and the
9 environment as provided in s. 23.16 (5).

10 **SECTION 341.** 20.370 (9) (mh) of the statutes is amended to read:

11 20.370 (9) (mh) *General program operations — stationary sources.* From the
12 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
13 (e), the amounts in the schedule for customer service, communications and aids
14 administration for the operation permit program under ch. 285 and s. 299.15.

15 **SECTION 342.** 20.380 (1) (b) of the statutes is amended to read:

16 20.380 (1) (b) *Tourism marketing: general purpose revenue.* ~~The Biennially, the~~
17 amounts in the schedule for tourism marketing service expenses and the execution
18 of the functions under ss. 41.11 (4) and 41.17 and the grants under 1997 Wisconsin
19 Act 27, section 9148 (2f) and (2x). Of the amounts under this paragraph, not more
20 than 50% shall be used to match funds allocated under s. 41.17 by private or public
21 organizations for the joint effort marketing of tourism with the state. The
22 department shall expend at least \$125,000 in each fiscal year from this appropriation
23 to conduct or contract for marketing activities related to sporting activities and
24 events. Of the amounts in the schedule, \$25,000 shall be allocated in each fiscal year

SENATE BILL 45**SECTION 342**

1 for state sponsorship of, and advertising during, media broadcasts of the Milwaukee
2 symphony.

3 **SECTION 343.** 20.380 (1) (kg) of the statutes is created to read:

4 20.380 (1) (kg) *Tourism marketing; gaming revenue.* All moneys transferred
5 from the appropriation account under s. 20.505 (8) (hm) 6. for tourism marketing
6 service expenses and the execution of the functions under ss. 41.11 (4) and 41.17.

7 **SECTION 344.** 20.395 (1) (cq) of the statutes is amended to read:

8 20.395 (1) (cq) *Elderly and disabled capital aids, state funds.* The As a
9 continuing appropriation, the amounts in the schedule for specialized transportation
10 capital assistance for the elderly and disabled under s. 85.22.

11 **SECTION 345.** 20.395 (1) (hr) of the statutes is amended to read:

12 20.395 (1) (hr) *Tier B transit operating aids, state funds.* The amounts in the
13 schedule for mass transit aids under s. 85.20 (4m) (a) 7. and 7m.

14 **SECTION 346.** 20.395 (2) (dq) of the statutes is amended to read:

15 20.395 (2) (dq) *Aeronautics assistance, state funds.* As a continuing
16 appropriation, the amounts in the schedule for the state's share of airport projects
17 under ss. 114.34 and 114.35; for developing air marking and other air navigational
18 facilities; for administration of the powers and duties of the secretary of
19 transportation under s. 114.31; for costs associated with aeronautical activities
20 under s. 114.31; and for the administration of other aeronautical activities, except
21 aircraft registration under s. 114.20, authorized by law.

22 **SECTION 347.** 20.395 (2) (ny) of the statutes is created to read:

23 20.395 (2) (ny) *Milwaukee lakeshore walkway, federal funds.* Biennially, from
24 the moneys received from the federal government under P.L. 102-240, section 1045,
25 and P.L. 105-277, section 373, the amounts in the schedule for the purpose of

SENATE BILL 45**SECTION 347**

1 awarding grants under 1999 Wisconsin Act (this act), section 9150 (3). No moneys
2 may be encumbered under this paragraph after June 30, 2002.

3 **SECTION 348.** 20.395 (3) (cq) of the statutes is amended to read:

4 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
5 appropriation, the amounts in the schedule for improvement of existing state trunk
6 and connecting highways; for improvement of bridges on state trunk or connecting
7 highways and other bridges for which improvement is a state responsibility, for
8 necessary approach work for such bridges and for replacement of such bridges with
9 at-grade crossing improvements; for the construction and rehabilitation of the
10 national system of interstate and defense highways and bridges and related
11 appurtenances; for special maintenance activities under s. 84.04 on roadside
12 improvements; for bridges under s. 84.10; for payment to a local unit of government
13 for a jurisdictional transfer under s. 84.02 (8); and for the disadvantaged business
14 demonstration and training program under s. 84.076; and for the transfers required
15 under 1999 Wisconsin Act (this act), section 9250 (1).

16 **SECTION 349.** 20.395 (3) (eq) of the statutes is amended to read:

17 20.395 (3) (eq) *Highway maintenance, repair and traffic operations, state*
18 *funds.* Biennially, the amounts in the schedule for the maintenance and repair of
19 roadside improvements under s. 84.04, state trunk highways under s. 84.07 and
20 bridges that are not on the state trunk highway system under s. 84.10; for highway
21 operations such as permit issuance, pavement marking, highway signing, traffic
22 signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27
23 and ch. 349; ~~for the grant under 1997 Wisconsin Act 27, section 9149 (3d) for the~~
24 scenic byway program under s. 84.106; and for the disadvantaged business

SENATE BILL 45**SECTION 349**

1 demonstration and training program under s. 84.076. This paragraph does not apply
2 to special maintenance activities under s. 84.04 on roadside improvements.

3 **SECTION 350.** 20.395 (3) (ev) of the statutes is amended to read:

4 20.395 (3) (ev) *Highway maintenance, repair and traffic operations, local*
5 *funds.* All moneys received from any local unit of government or other sources for
6 the maintenance and repair of roadside improvements under s. 84.04, state trunk
7 highways under s. 84.07 and bridges that are not on the state trunk highway system
8 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
9 issuance, pavement marking, highway signing, traffic signalization and highway
10 lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; for the scenic
11 byway program under s. 84.106; and for the disadvantaged business demonstration
12 and training program under s. 84.076; for such purposes. This paragraph does not
13 apply to special maintenance activities under s. 84.04 on roadside improvements.

14 **SECTION 351.** 20.395 (3) (ex) of the statutes is amended to read:

15 20.395 (3) (ex) *Highway maintenance, repair and traffic operations, federal*
16 *funds.* All moneys received from the federal government for the maintenance and
17 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07
18 and bridges that are not on the state trunk highway system under s. 84.10; for
19 highway operations such as permit issuance, pavement marking, highway signing,
20 traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25
21 to 348.27 and ch. 349; for the scenic byway program under s. 84.106; and for the
22 disadvantaged business demonstration and training program under s. 84.076; for
23 such purposes. This paragraph does not apply to special maintenance activities
24 under s. 84.04 on roadside improvements.

25 **SECTION 352.** 20.395 (3) (ix) of the statutes is amended to read:

SENATE BILL 45**SECTION 352**

1 20.395 (3) (ix) *Administration and planning, federal funds.* All moneys
2 received from the federal government for the administration and planning of
3 departmental programs under subs. (1) to (3) and to transfer to the appropriation
4 account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z).

5 **SECTION 353.** 20.395 (4) (ay) of the statutes is created to read:

6 20.395 (4) (ay) *Indirect cost reimbursements, federal funds.* All moneys
7 received from the federal government as reimbursement of indirect costs of grants
8 and contracts for the purposes authorized in s. 16.54 (9) (b).

9 **SECTION 354.** 20.395 (4) (bh) of the statutes is repealed.

10 **SECTION 355.** 20.395 (5) (cq) of the statutes is amended to read:

11 20.395 (5) (cq) *Vehicle registration, inspection and maintenance ~~and~~, driver*
12 *licensing and aircraft registration, state funds.* The amounts in the schedule for
13 administering the vehicle registration and driver licensing program, including the
14 traffic violation and registration program and the driver license reinstatement
15 training program under s. 85.28, for administering the motor vehicle emission
16 inspection and maintenance program under s. 110.20, for the training of inspectors
17 under s. 110.22, for administering the fuel tax and fee reporting program under s.
18 341.45, for administering the aircraft registration program under s. 114.20 and to
19 compensate for services performed, as determined by the secretary of transportation,
20 by any county providing registration services.

21 **SECTION 356.** 20.395 (5) (di) of the statutes is amended to read:

22 20.395 (5) (di) *Chemical testing training and services, state funds.* From the
23 general fund, the amounts in the schedule for the chemical testing training and
24 services provided by the state traffic patrol. All moneys transferred from the
25 appropriation account under s. 20.435 (6) (hx) shall be credited to this appropriation

SENATE BILL 45**SECTION 356**

1 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this
2 appropriation account on June 30 of each year shall be transferred to the
3 appropriation account under s. 20.435 (6) (hx).

4 **SECTION 357.** 20.395 (5) (dL) of the statutes is created to read:

5 20.395 (5) (dL) *Public safety radio management, state funds.* From the general
6 fund, all moneys received for purposes related to the statewide public safety radio
7 management program under s. 85.12, other than moneys credited to the
8 appropriation account under par. (dk), for that purpose.

9 **SECTION 358.** 20.395 (5) (dq) of the statutes is amended to read:

10 20.395 (5) (dq) *Vehicle inspection, traffic enforcement and radio management,*
11 *state funds.* The amounts in the schedule for administering the ambulance
12 inspection program under s. 341.085, the statewide public safety radio management
13 program under s. 85.12 and, the vehicle inspection and traffic enforcement programs
14 and the transfer under 1999 Wisconsin Act (this act), section 9150 (4).

15 **SECTION 359.** 20.410 (1) (ac) of the statutes is repealed.

16 **SECTION 360.** 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
17 amended to read:

18 20.410 (1) (kp) *Correctional officer training.* The amounts in the schedule to
19 finance correctional officers training under s. 301.28. All moneys received from the
20 ~~penalty assessment surcharge on court fines and forfeitures as allocated~~ transferred
21 from the appropriation account under s. 165.87 (1) 20.505 (6) (j) 6. shall be credited
22 to this appropriation account.

23 **SECTION 361.** 20.410 (1) (kg) of the statutes is created to read:

SENATE BILL 45**SECTION 361**

1 20.410 (1) (kg) *Crime victim assistance services*. The amounts in the schedule
2 for crime victim assistance services. All moneys transferred from the appropriation
3 account under s. 20.455 (5) (mh) shall be credited to this appropriation account.

4 **SECTION 362.** 20.410 (1) (kv) of the statutes is created to read:

5 20.410 (1) (kv) *Information technology*. The amounts in the schedule for the
6 purpose of maintaining, developing and operating information systems. All moneys
7 transferred from the appropriation account under s. 20.505 (6) (j) 7. shall be credited
8 to this appropriation account.

9 **SECTION 363.** 20.410 (1) (q) of the statutes is created to read:

10 20.410 (1) (q) *Computer recycling*. From the recycling fund, the amounts in the
11 schedule for the department to recycle computers.

12 **SECTION 364.** 20.410 (3) (cg) of the statutes is amended to read:

13 20.410 (3) (cg) *Serious juvenile offenders*. ~~The~~ Biennially, the amounts in the
14 schedule for juvenile correctional institution, corrective sanctions, alternate care,
15 aftercare and other juvenile program services specified in s. 938.538 (3) provided for
16 the persons specified in s. 301.26 (4) (cm), for juvenile correctional institution
17 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)
18 and for juvenile correctional services for persons under 18 years of age placed with
19 the department under s. 48.366 (8). Notwithstanding s. 20.001 (3) ~~(a)~~ (b), the
20 unencumbered balance of this appropriation ~~account~~ on June 30 of each the 2nd
21 fiscal year of each fiscal biennium is transferred to the appropriation account under
22 par. (cd).

23 **SECTION 365.** 20.410 (3) (hm) of the statutes is amended to read:

24 20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
25 and (hr), the amounts in the schedule for juvenile correctional services specified in

SENATE BILL 45**SECTION 365**

1 s. 301.26 (4) (c) and (d) and to operate the correctional institution authorized under
2 1997 Wisconsin Act 4, section 4 (1) (a). All moneys received from the sale of surplus
3 property, including vehicles, from juvenile correctional institutions operated by the
4 department, all moneys received as payments in restitution of property damaged at
5 juvenile correctional institutions operated by the department, all moneys received
6 from miscellaneous services provided at a juvenile correctional institution operated
7 by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys
8 received under 1997 Wisconsin Act 27, section 9111 (2u) and, except as provided in
9 par. (hr), all moneys received in payment for juvenile correctional services specified
10 in s. 301.26 (4) (d) ~~and~~, (dt) and (g) shall be credited to this appropriation account.
11 If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year
12 institutional costs, other than the cost of operating the correctional institution
13 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), by 2% or more, all moneys
14 in excess of that 2% shall be remitted to the counties during the subsequent calendar
15 year or transferred to the appropriation account under par. (kx) during the
16 subsequent fiscal year. Each county and the department shall receive a
17 proportionate share of the remittance and transfer depending on the total number
18 of days of placement at juvenile correctional institutions including the Mendota
19 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
20 s. 301.26. The department shall deposit in the general fund the amounts transferred
21 under this paragraph to the appropriation account under par. (kx).

22 **SECTION 366.** 20.410 (3) (ho) of the statutes is amended to read:

23 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for
24 providing foster care, treatment foster care, group home care, including secured
25 group home care, and institutional child care to delinquent juveniles under ss. 49.19

SENATE BILL 45**SECTION 366**

1 (10) (d), 938.48 (4) and (14) and 938.52. All moneys transferred under s. 301.26 (4)
2 (cm) and all moneys received in payment for providing foster care, treatment foster
3 care, group home care, including secured group home care, and institutional child
4 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52
5 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account.
6 If moneys generated by the daily rate exceed actual fiscal year foster care, treatment
7 foster care, group home care, including secured group home care, and institutional
8 child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the
9 counties during the subsequent calendar year or transferred to the appropriation
10 account under par. (kx) during the subsequent fiscal year. Each county and the
11 department shall receive a proportionate share of the remittance and transfer
12 depending on the total number of days of placement in foster care, treatment foster
13 care, group home care, including secured group home care, or institutional child care.
14 Counties shall use the funds for purposes specified in s. 301.26. The department
15 shall deposit in the general fund the amounts transferred under this paragraph to
16 the appropriation account under par. (kx).

17 **SECTION 367.** 20.410 (3) (kj) of the statutes is amended to read:

18 20.410 (3) (kj) *Youth diversion program.* Biennially, the The amounts in the
19 schedule for youth diversion services under s. 301.265 (1) and (3). All moneys
20 transferred from the appropriation account under s. 20.505 (6) (g) (j) 8. shall be
21 credited to this appropriation account.

22 **SECTION 368.** 20.425 (1) (h) of the statutes is amended to read:

23 20.425 (1) (h) *Collective bargaining training.* All moneys received from
24 arbitrators and arbitration panel members, and individuals who are interested in
25 serving in such positions, and from individuals and organizations who participate in

SENATE BILL 45**SECTION 368**

1 other collective bargaining training programs conducted by the commission, and
2 from fees paid under ss. 111.09 (2m), 111.71 (2m) and 111.94 (2m), for the cost of
3 training programs under ss. 111.09 (3), 111.71 (5) and 111.94 (3).

4 **SECTION 369.** 20.433 (1) (q) of the statutes is amended to read:

5 20.433 (1) (q) *Children's trust fund grants.* From the children's trust fund, all
6 moneys received as contributions, grants, gifts and bequests for that trust fund
7 under s. 48.982 (2) (d) or (2e) (a) and as fees under s. 341.14 (6r) (b) 6., less the
8 amounts appropriated under par. (r), to carry out the purposes for which made and
9 received under s. 48.982 (2m) (a).

10 **SECTION 370.** 20.434 (1) (b) of the statutes is repealed.

11 **SECTION 371.** 20.434 (1) (ky) of the statutes is created to read:

12 20.434 (1) (ky) *Interagency and intra-agency aids; pregnancy prevention and*
13 *services.* All moneys received from other state agencies and all moneys received by
14 the board from the board for providing grants under s. 46.93 (2), for such purposes.

15 **SECTION 372.** 20.435 (1) (title) of the statutes is amended to read:

16 20.435 (1) (title) ~~HEALTH~~ PUBLIC HEALTH SERVICES PLANNING, REGULATION AND
17 DELIVERY; STATE OPERATIONS.

18 **SECTION 373.** 20.435 (1) (a) of the statutes is amended to read:

19 20.435 (1) (a) *General program operations.* The amounts in the schedule for
20 general program operations, including public health services regulation,
21 administration and field services.

22 **SECTION 374.** 20.435 (1) (bm) of the statutes is renumbered 20.435 (4) (bm) and
23 amended to read:

24 20.435 (4) (bm) *Medical assistance administration.* Biennially, the amounts
25 in the schedule to provide the state share of administrative contract costs for the

SENATE BILL 45**SECTION 374**

1 medical assistance program under ss. 49.45 and 49.665, to reimburse insurers for
2 their costs under s. 49.475 and, for costs associated with outreach activities and for
3 services of resource centers under s. 46.283. No state positions may be funded in the
4 department of health and family services from this appropriation, except positions
5 for the performance of duties under a contract in effect before January 1, 1987,
6 related to the administration of the medical assistance program between the subunit
7 of the department primarily responsible for administering the medical assistance
8 program and another subunit of the department. Total administrative funding
9 authorized for the program under s. 49.665 may not exceed 10% of the amounts
10 budgeted under ~~sub. (5) pars.~~ (bc) and (p).

11 **SECTION 375.** 20.435 (1) (cg) of the statutes is repealed.

12 **SECTION 376.** 20.435 (1) (gm) of the statutes is amended to read:

13 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
14 *services*. The amounts in the schedule for the purposes specified in ss. 146.50 (8),
15 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to
16 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) and ch. ~~150 69~~, for the
17 purchase and distribution of medical supplies and to analyze and provide data under
18 s. 250.04. All moneys received under ss. 146.50 ~~(5) (f) (8) (d)~~, ~~150.13~~ and (10) (a) 2.
19 and 3., 250.04 (3m), 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176,
20 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.89 and
21 255.08 (2) (b) and ch. 69 and as reimbursement for medical supplies shall be credited
22 to this appropriation account. ~~From the fees collected under s. 50.135 (2), \$444,700~~
23 ~~in fiscal year 1997-98 and \$451,600 in fiscal year 1998-99 shall be credited to this~~
24 ~~appropriation account.~~

25 **SECTION 377.** 20.435 (1) (gp) of the statutes is renumbered 20.435 (4) (gp).

SENATE BILL 45**SECTION 378**

1 **SECTION 378.** 20.435 (1) (hg) of the statutes is renumbered 20.435 (4) (hg).

2 **SECTION 379.** 20.435 (1) (hi) of the statutes is renumbered 20.435 (4) (hi).

3 **SECTION 380.** 20.435 (1) (in) of the statutes is renumbered 20.435 (4) (in).

4 **SECTION 381.** 20.435 (1) (j) of the statutes is repealed.

5 **SECTION 382.** 20.435 (1) (km) of the statutes is repealed.

6 **SECTION 383.** 20.435 (1) (kx) of the statutes is amended to read:

7 20.435 (1) (kx) *Interagency and intra-agency programs.* All moneys received
8 from other state agencies and all moneys received by the department from the
9 department not directed to be deposited under ~~par. (km) or~~ sub. (6) (k) for the
10 administration of programs or projects for which received.

11 **SECTION 384.** 20.435 (1) (p) of the statutes is renumbered 20.435 (4) (pa) and
12 amended to read:

13 20.435 (4) (pa) *Federal aid; medical assistance contracts administration.* All
14 federal moneys received for the federal share of the cost of contracting for payment
15 and services administration and reporting, and to reimburse insurers for their costs
16 under s. 49.475 and for services of resource centers under s. 46.283.

17 **SECTION 385.** 20.435 (1) (t) of the statutes is created to read:

18 20.435 (1) (t) *Statewide trauma care system.* From the transportation fund, the
19 amounts in the schedule for the statewide trauma care system under s. 146.56.

20 **SECTION 386.** 20.435 (1) (u) of the statutes is renumbered 20.435 (4) (u).

21 **SECTION 387.** 20.435 (2) (bj) of the statutes is amended to read:

22 20.435 (2) (bj) *Conditional and supervised release treatment and services.*
23 Biennially, the amounts in the schedule for payment by the department of costs for
24 treatment and services for persons released under s. 971.17 (3) (d) or (4) (e), 980.06
25 (2) ~~(e)~~ (cr) or 980.08 (5) (d), for which the department has contracted with county

SENATE BILL 45**SECTION 387**

1 departments under s. 51.42 (3) (aw) 1. d., with other public agencies or with private
2 agencies to provide the treatment and services.

3 **SECTION 388.** 20.435 (2) (bm) of the statutes is amended to read:

4 20.435 (2) (bm) *Secure mental health units or facilities.* The amounts in the
5 schedule for the general program operations of secure mental health units or
6 facilities under s. 980.065 for persons committed to institutional care under s. 980.06
7 (2) (b) or (ct) and placed in a secure mental health unit or facility.

8 **SECTION 389.** 20.435 (2) (gk) of the statutes is amended to read:

9 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
10 schedule for care provided by the centers for the developmentally disabled to
11 reimburse the cost of providing the services and to remit any credit balances to
12 county departments that occur on and after July 1, 1978, in accordance with s. 51.437
13 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of
14 providing the services and to remit any credit balances to county departments that
15 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for
16 maintenance of state-owned housing at centers for the developmentally disabled
17 and mental health institutes; for repair or replacement of property damaged at the
18 mental health institutes or at centers for the developmentally disabled; and for
19 reimbursing the total cost of using, producing and providing services, products and
20 care. All moneys received as payments from medical assistance on and after August
21 1, 1978; as payments from all other sources including other payments under s. 46.10
22 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
23 assistance payments, other payments under s. 46.10 and payments under s. 51.42
24 (3) (as) 2. received on and after January 1, 1979; as payments under s. ~~51.07 (4)~~
25 46.043; as payments for the rental of state-owned housing and other institutional

SENATE BILL 45**SECTION 389**

1 facilities at centers for the developmentally disabled and mental health institutes;
2 for the sale of electricity, steam or chilled water; as payments in restitution of
3 property damaged at the mental health institutes or at centers for the
4 developmentally disabled; for the sale of surplus property, including vehicles, at the
5 mental health institutes or at centers for the developmentally disabled; and for other
6 services, products and care shall be credited to this appropriation, except that any
7 payment under s. 46.10 received for the care or treatment of patients admitted under
8 s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients
9 admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1),
10 of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or
11 transferred under s. 51.35 (3) or of patients transferred from a state prison under s.
12 51.37 (5), to Mendota mental health institute or Winnebago mental health institute
13 shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

14 **SECTION 390.** 20.435 (3) (bc) of the statutes is created to read:

15 20.435 (3) (bc) *Grants for children's community programs.* The amounts in the
16 schedule for grants for children's community programs under s. 46.481.
17 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds
18 between fiscal years under this paragraph. All moneys under this appropriation
19 account that are distributed under s. 46.481 but are not encumbered by December
20 31 of each year lapse to the general fund on the next January 1 unless carried forward
21 to the next calendar year by the joint committee on finance.

22 **SECTION 391.** 20.435 (3) (dd) of the statutes is amended to read:

23 20.435 (3) (dd) *State foster care and adoption services.* The amounts in the
24 schedule for foster care, treatment foster care, institutional child care and subsidized
25 adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s.

SENATE BILL 45**SECTION 391**

1 49.19 (10) (d) ~~and, for the cost of the foster care monitoring system and for the cost~~
2 ~~of contracting with private adoption agencies to provide adoption services for~~
3 ~~children with special needs who are under the guardianship of the department.~~

4 **SECTION 392.** 20.435 (3) (dg) of the statutes is amended to read:

5 20.435 (3) (dg) *State adoption information exchange and state adoption center.*

6 The amounts in the schedule to operate a state adoption information exchange under
7 s. ~~48.55~~ and a state adoption center under s. ~~48.551~~ 48.55.

8 **SECTION 393.** 20.435 (3) (dr) of the statutes is repealed.

9 **SECTION 394.** 20.435 (3) (eg) of the statutes is amended to read:

10 20.435 (3) (eg) ~~Programs for adolescents and adolescent parents~~ Adolescent
11 services. The amounts in the schedule for the provision of adolescent self-sufficiency
12 and pregnancy prevention programs under s. ~~46.995~~, for to provide adolescent
13 services under s. 46.996 and for adolescent choices project grants under s. 46.997 (2).

14 **SECTION 395.** 20.435 (3) (eg) of the statutes, as affected by 1999 Wisconsin Act
15 (this act), is repealed and recreated to read:

16 20.435 (3) (eg) *Brighter futures initiative*. The amounts in the schedule for the
17 brighter futures initiative under s. 46.99.

18 **SECTION 396.** 20.435 (3) (fm) of the statutes is repealed.

19 **SECTION 397.** 20.435 (3) (i) of the statutes is repealed and recreated to read:

20 20.435 (3) (i) *Gifts and grants*. All moneys not appropriated under par. (gb) that
21 are received from gifts, grants, donations and burial trusts for the execution of the
22 department's functions relating to children and family services consistent with the
23 purpose of the gifts, grants, donations or trusts.

24 **SECTION 398.** 20.435 (3) (me) of the statutes is created to read:

SENATE BILL 45**SECTION 398**

1 20.435 (3) (me) *Federal block grant local assistance*. All block grant moneys
2 received from the federal government, as authorized by the governor under s. 16.54,
3 for youth services local assistance, for the purposes for which received.

4 **SECTION 399.** 20.435 (3) (pd) of the statutes is amended to read:

5 20.435 (3) (pd) *Federal aid; state foster care and adoption services*. All federal
6 moneys received for meeting the costs of providing foster care, treatment foster care
7 and, institutional child care under s. 48.52, and for and subsidized adoptions under
8 ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d) and the
9 cost of contracting with private adoption agencies to provide adoption services for
10 children with special needs who are under the guardianship of the department.
11 Disbursements for foster care under s. 46.03 (20) and for the purposes described
12 under s. 48.627 may be made from this appropriation.

13 **SECTION 400.** 20.435 (4) (title) of the statutes is created to read:

14 20.435 (4) (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH
15 CARE FINANCING.

16 **SECTION 401.** 20.435 (4) (a) of the statutes is created to read:

17 20.435 (4) (a) *General program operations*. The amounts in the schedule for
18 general program operations, including health care financing regulation,
19 administration and field services.

20 **SECTION 402.** 20.435 (4) (bs) of the statutes, as affected by 1999 Wisconsin Act
21 (this act), is renumbered 20.435 (4) (kb) and amended to read:

22 20.435 (4) (kb) *Relief block grants to tribal governing bodies*. The amounts in
23 the schedule for relief block grants under s. 49.029 to tribal governing bodies. All
24 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall
25 be credited to this appropriation account.

SENATE BILL 45**SECTION 403**

1 **SECTION 403.** 20.435 (4) (e) of the statutes is created to read:

2 20.435 (4) (e) *Disease aids.* Biennially, the amounts in the schedule for
3 assisting victims of diseases, as provided in ss. 49.68, 49.683 and 49.685.

4 **SECTION 404.** 20.435 (4) (g) of the statutes is created to read:

5 20.435 (4) (g) *Family care benefit; cost sharing.* All moneys received from client
6 cost-sharing requirements under s. 46.286 (2) to be expended for the provision of
7 services under the family care benefit under s. 46.284 (5).

8 **SECTION 405.** 20.435 (4) (gm) of the statutes is created to read:

9 20.435 (4) (gm) *Health services regulation and vital statistics.* The amounts in
10 the schedule for the purposes specified in chs. 69 and 150. All moneys received under
11 ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees
12 collected under s. 50.135 (2), \$247,000 in fiscal year 1999-2000 and \$297,200 in fiscal
13 year 2000-01 shall be credited to this appropriation account.

14 **SECTION 406.** 20.435 (4) (h) of the statutes is created to read:

15 20.435 (4) (h) *General assistance medical program; intergovernmental transfer.*
16 The amounts in the schedule to provide supplemental payments to eligible health
17 care providers that contract with Milwaukee County to provide health care services
18 funded by a relief block grant under s. 49.025. All moneys received from Milwaukee
19 County for this purpose shall be credited to this appropriation account.

20 **SECTION 407.** 20.435 (4) (i) of the statutes is created to read:

21 20.435 (4) (i) *Gifts and grants; health care financing.* All moneys received from
22 gifts, grants, bequests and trust funds to provide health care financing consistent
23 with the purpose of the gift, grant, bequest or trust fund.

24 **SECTION 408.** 20.435 (4) (kx) of the statutes is created to read:

SENATE BILL 45**SECTION 408**

1 20.435 (4) (kx) *Interagency and intra-agency programs*. All moneys received
2 from other state agencies and all moneys received by the department from the
3 department for the administration of programs or projects, for the purposes for which
4 received.

5 **SECTION 409.** 20.435 (4) (ky) of the statutes is created to read:

6 20.435 (4) (ky) *Interagency and intra-agency aids*. All moneys received from
7 other state agencies, including moneys transferred from s. 20.505 (8) (hm) 7., and all
8 moneys received by the department from the department for aids to individuals and
9 organizations, for the purpose of providing those aids.

10 **SECTION 410.** 20.435 (4) (kz) of the statutes is created to read:

11 20.435 (4) (kz) *Interagency and intra-agency local assistance*. All moneys
12 received from other state agencies and all moneys received by the department from
13 the department for local assistance, for the purpose of providing that assistance.

14 **SECTION 411.** 20.435 (4) (m) of the statutes is created to read:

15 20.435 (4) (m) *Federal project operations*. All moneys received from the federal
16 government or any of its agencies for the state administration of specific limited term
17 projects, to be expended for the purposes specified.

18 **SECTION 412.** 20.435 (4) (ma) of the statutes is created to read:

19 20.435 (4) (ma) *Federal project aids*. All moneys received from the federal
20 government or any of its agencies for specific limited term projects of aids to
21 individuals or organizations, to be expended for the purposes specified.

22 **SECTION 413.** 20.435 (4) (md) of the statutes is created to read:

23 20.435 (4) (md) *Federal block grant aids*. All block grant moneys received from
24 the federal government or any of its agencies for aids to individuals or organizations,

SENATE BILL 45**SECTION 413**

1 other than for specific limited term projects and continuing programs, to be expended
2 for the purposes specified.

3 **SECTION 414.** 20.435 (4) (n) of the statutes is created to read:

4 20.435 (4) (n) *Federal program operations.* All moneys received from the
5 federal government or any of its agencies for the state administration of continuing
6 programs, to be expended for the purposes specified.

7 **SECTION 415.** 20.435 (4) (na) of the statutes is created to read:

8 20.435 (4) (na) *Federal program aids.* All moneys received from the federal
9 government or any of its agencies for continuing programs of aids to individuals or
10 organizations, to be expended for the purposes specified.

11 **SECTION 416.** 20.435 (5) (title) of the statutes is amended to read:

12 20.435 (5) (title) ~~HEALTH~~ PUBLIC HEALTH SERVICES PLANNING, REGULATION AND
13 DELIVERY; AIDS AND LOCAL ASSISTANCE.

14 **SECTION 417.** 20.435 (5) (af) of the statutes is renumbered 20.435 (4) (af).

15 **SECTION 418.** 20.435 (5) (ah) of the statutes is renumbered 20.435 (4) (ah).

16 **SECTION 419.** 20.435 (5) (b) of the statutes is renumbered 20.435 (4) (b) and
17 amended to read:

18 20.435 (4) (b) *Medical assistance program benefits.* Biennially, the amounts in
19 the schedule to provide the state share of medical assistance program benefits
20 administered under s. 49.45, to provide medical assistance program benefits
21 administered under s. 49.45 that are not also provided under par. (o) and, to fund the
22 pilot project under s. 46.27 (9) and (10), to fund services provided by resource centers
23 under s. 46.283 and for services under the family care benefit under s. 46.284 (5).

24 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
25 to the appropriation under sub. (7) (kb) funds in the amount of and for the purposes

SENATE BILL 45**SECTION 419**

1 specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the
2 department may credit or deposit into this appropriation and may transfer between
3 fiscal years funds that it transfers from the appropriation under sub. (7) (kb) for the
4 purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the department
5 may transfer from this appropriation to the appropriation account under sub. (7) (bd)
6 funds in the amount and for the purposes specified in s. 49.45 (6v).

7 **SECTION 420.** 20.435 (5) (bc) of the statutes is renumbered 20.435 (4) (bc).

8 **SECTION 421.** 20.435 (5) (bs) of the statutes is renumbered 20.435 (4) (bs).

9 **SECTION 422.** 20.435 (5) (bt) of the statutes is renumbered 20.435 (4) (bt) and
10 amended to read:

11 20.435 (4) (bt) *Relief block grants to counties with a population of 500,000 or*
12 *more.* The amounts in the schedule for relief block grants to counties under s. ss.
13 49.025 to counties with a population of 500,000 or more and 49.027.

14 **SECTION 423.** 20.435 (5) (bu) of the statutes is repealed.

15 **SECTION 424.** 20.435 (5) (cb) of the statutes is amended to read:

16 20.435 (5) (cb) ~~*Women's health*~~ *Health services for women and infants.* The
17 amounts in the schedule for health screening for low-income women under s.
18 255.075, ; for conduct of a women's health campaign under 1997 Wisconsin Act 27,
19 section 9123 (6) (a) and ; for women's health projects under 1997 Wisconsin Act 27,
20 section 9123 (6) (b) and (6m); for grants for pregnancy counseling under s. 253.08;
21 for outreach to low-income pregnant women under s. 253.085 (1); for maternal and
22 infant health projects under s. 253.085 (2); and for family planning services under
23 s. 253.07. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may
24 transfer funds between fiscal years under this paragraph. All funds distributed by
25 the department under s. 253.07 (2) (b) and (4) but not encumbered by December 31

SENATE BILL 45**SECTION 424**

1 of each year lapse to the general fund on the next January 1 unless transferred to the
2 next calendar year by the joint committee on finance.

3 **SECTION 425.** 20.435 (5) (cm) of the statutes is amended to read:

4 20.435 (5) (cm) *Immunization.* A sum sufficient not to exceed in fiscal year
5 ~~1997-98~~ 1999-2000 the difference between ~~\$8,550,700~~ \$9,000,000 and the sum of
6 the moneys received from the federal government under the federal vaccines for
7 children program and under section 317 of the Public Health Service Act in fiscal
8 year ~~1997-98~~ 1999-2000 and not to exceed in fiscal year ~~1998-99~~ 2000-01 the
9 difference between ~~\$8,776,400~~ \$9,000,000 and the sum of the moneys received from
10 the federal government under the federal vaccines for children program and under
11 section 317 of the Public Health Service Act in fiscal year ~~1998-99~~ 2000-01 for the
12 provision of vaccine to immunize children under s. 252.04 (1).

13 **SECTION 426.** 20.435 (5) (d) of the statutes is renumbered 20.435 (4) (d).

14 **SECTION 427.** 20.435 (5) (e) of the statutes is amended to read:

15 20.435 (5) (e) *Disease aids.* Biennially, the amounts in the schedule for
16 assisting victims of diseases, as provided in ss. ~~49.68, 49.683, 49.685, 58.06, 252.08~~
17 ~~(4) and (5) and s. 252.10 (6) and (7), as allocated~~ distributed by the department.

18 **SECTION 428.** 20.435 (5) (ed) of the statutes is amended to read:

19 20.435 (5) (ed) *Radon aids.* The amounts in the schedule for the provision of
20 state aid for local radon services under s. 254.34 ~~(4) (1) (h) 5.~~

21 **SECTION 429.** 20.435 (5) (eg) of the statutes is repealed.

22 **SECTION 430.** 20.435 (5) (ek) of the statutes is renumbered 20.435 (5) (ke) and
23 amended to read:

24 20.435 (5) (ke) *Cooperative American Indian health projects.* The amounts in
25 the schedule for grants for cooperative American Indian health projects under s.

SENATE BILL 45**SECTION 430**

1 146.19. All moneys transferred from the appropriation account under s. 20.505 (8)
2 (hm) 18b. shall be credited to this appropriation account.

3 **SECTION 431.** 20.435 (5) (ev) of the statutes is repealed.

4 **SECTION 432.** 20.435 (5) (f) of the statutes is repealed.

5 **SECTION 433.** 20.435 (5) (gh) of the statutes is renumbered 20.435 (4) (gh).

6 **SECTION 434.** 20.435 (5) (im) of the statutes is renumbered 20.435 (4) (im).

7 **SECTION 435.** 20.435 (5) (jz) of the statutes is renumbered 20.435 (4) (jz).

8 **SECTION 436.** 20.435 (5) (ky) of the statutes is amended to read:

9 20.435 (5) (ky) *Interagency and intra-agency aids.* All moneys received from
10 other state agencies and all moneys received by the department from the department
11 not directed to be deposited under sub. ~~(1) (km)~~ or (6) (k) for aids to individuals and
12 organizations.

13 **SECTION 437.** 20.435 (5) (kz) of the statutes is amended to read:

14 20.435 (5) (kz) *Interagency and intra-agency local assistance.* All moneys
15 received from other state agencies and all moneys received by the department from
16 the department not directed to be deposited under ~~par. sub. (1) (km)~~ or (6) (k) for local
17 assistance.

18 **SECTION 438.** 20.435 (5) (o) of the statutes is renumbered s. 20.435 (4) (o) and
19 amended to read:

20 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
21 meeting costs of medical assistance administered under ss. 46.284 (5), 49.45 and
22 49.665, to be used for those purposes.

23 **SECTION 439.** 20.435 (5) (p) of the statutes is renumbered 20.435 (4) (p).

24 **SECTION 440.** 20.435 (6) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 440**

1 20.435 (6) (a) *General program operations; projects; council on physical*
2 *disabilities*. The amounts in the schedule for general program operations, including
3 field services and administrative services, ~~and for the pilot project under 1997~~
4 ~~Wisconsin Act 237, section 9122 (4) for the demonstration projects under 1999~~
5 ~~Wisconsin Act (this act), section 9123 (3) (a) and for operation of the council on~~
6 ~~physical disabilities under s. 46.29.~~

7 **SECTION 441.** 20.435 (6) (d) of the statutes is repealed.

8 **SECTION 442.** 20.435 (6) (g) of the statutes is amended to read:

9 20.435 (6) (g) *Nursing facility resident protection.* ~~The amounts in the schedule~~
10 ~~to finance nursing facility resident protection under s. 49.499.~~ All moneys received
11 from the penalty assessment surcharges on forfeitures that are levied by the
12 department under s. 49.498 (16) (c) 1., 2. and 3. and the interest under s. 49.498 (16)
13 (d) ~~shall be credited to this appropriation to finance nursing facility resident~~
14 ~~protection under s. 49.499.~~

15 **SECTION 443.** 20.435 (6) (gb) of the statutes is amended to read:

16 20.435 (6) (gb) *Alcohol and drug abuse initiatives.* All moneys received from
17 the state treasurer under s. 961.41 (5) (c), to be expended on programs providing
18 prevention, intervention and treatment for alcohol and other drug abuse problems.
19 ~~In fiscal year 1997-98, the department shall transfer \$250,000 from the~~
20 ~~appropriation account under this paragraph to the appropriation account under sub.~~
21 ~~(7) (kw).~~

22 **SECTION 444.** 20.435 (6) (hx) of the statutes is amended to read:

23 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
24 schedule for services related to drivers. All moneys received by the state treasurer
25 from the driver improvement surcharge on court fines and forfeitures authorized

SENATE BILL 45**SECTION 444**

1 under s. 346.655 and all moneys transferred from the appropriation account under
2 s. 20.395 (5) (di) shall be credited to this appropriation. ~~The secretary of~~
3 ~~administration shall annually transfer to the appropriation account under s. 20.395~~
4 ~~(5) (di) 31.29% of all moneys credited to this appropriation. The Any unencumbered~~
5 ~~moneys remaining in this appropriation account~~ may be transferred to sub. (7) (hy)
6 and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ci) and (di) and 20.455 (5) (h) by
7 the secretary of administration after consultation with the secretaries of health and
8 family services and transportation, the superintendent of public instruction, the
9 attorney general and the president of the university of Wisconsin system.

10 **SECTION 445.** 20.435 (6) (jm) of the statutes is amended to read:

11 20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule
12 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b) and (5) (a),
13 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b) and (5), 50.13,
14 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV
15 of ch. 50 and to conduct health facilities plan and rule development activities, for
16 accrediting nursing homes, convalescent homes and homes for the aged, to conduct
17 capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36
18 (2) and for the costs of inspecting, licensing and approving facilities, issuing permits
19 and providing technical assistance that are not specified under any other paragraph
20 in this subsection. All moneys received under ss. 48.685 (8), 50.02 (2), 50.025, 50.065
21 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981,
22 all moneys received from fees for the costs of inspecting, licensing and approving
23 facilities, issuing permits and providing technical assistance that are not specified
24 under any other paragraph in this subsection, and all moneys received under 50.135

SENATE BILL 45**SECTION 445**

1 (2), less the amounts credited to the appropriation account under sub. (1) ~~(4)~~ (gm),
2 shall be credited to this appropriation account.

3 **SECTION 446.** 20.435 (7) (b) of the statutes is amended to read:

4 20.435 (7) (b) *Community aids.* The amounts in the schedule for human
5 services under s. 46.40, to fund services provided by resource centers under s. 46.283
6 (5), for services under the family care benefit under s. 46.284 (5), for reimbursement
7 to counties having a population of less than 500,000 for the cost of court attached
8 intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22 and for
9 foster care and treatment foster care under s. 49.19 (10). Social services
10 disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds
11 received relating to payments made under s. 46.03 (20) (b) for the provision of
12 services for which moneys are appropriated under this paragraph shall be returned
13 to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
14 department of health and family services may transfer funds between fiscal years
15 under this paragraph. The department shall deposit into this appropriation funds
16 it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments
17 including those resulting from audits of services under s. 46.26, 1993 stats., or s.
18 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds
19 recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s.
20 46.40 and not spent or encumbered by December 31 of each year shall lapse to the
21 general fund on the succeeding January 1 unless carried forward to the next calendar
22 year by the joint committee on finance.

23 **SECTION 447.** 20.435 (7) (bd) of the statutes is amended to read:

24 20.435 (7) (bd) *Community options program ~~and long-term support~~; pilot*
25 *projects; family care benefit.* The amounts in the schedule for assessments, case

SENATE BILL 45**SECTION 447**

1 planning, services ~~and~~, administration and risk reserve escrow accounts under s.
2 46.27 ~~and~~, for pilot projects under s. 46.271 (1), ~~and the amounts carried forward~~
3 ~~under 1997 Wisconsin Act 27, section 9123 (2), for the pilot project under s. 46.271~~
4 ~~(2m)~~, to fund services provided by resource centers under s. 46.283 (5), for services
5 under the family care benefit under s. 46.284 (5) and for the payment of premiums
6 under s. 49.472 (5). If the department transfers funds to this appropriation from the
7 appropriation account under sub. ~~(5)~~ (4) (b), the amounts in the schedule for the fiscal
8 year for which the transfer is made are increased by the amount of the transfer for
9 the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3) (a) and 20.002
10 (1), the department may under this paragraph transfer moneys between fiscal years.
11 Except for moneys authorized for transfer under this appropriation, or under s. 46.27
12 (7) (fm) or (g) ~~or under 1997 Wisconsin Act 27, section 9123 (2)~~, all moneys under this
13 appropriation that are allocated under s. 46.27 and are not spent or encumbered by
14 counties or by the department by December 31 of each year shall lapse to the general
15 fund on the succeeding January 1 unless transferred to the next calendar year by the
16 joint committee on finance.

17 **SECTION 448.** 20.435 (7) (cp) of the statutes is repealed.

18 **SECTION 449.** 20.435 (7) (dh) of the statutes is amended to read:

19 20.435 (7) (dh) *Programs for senior citizens ~~and~~; elder abuse services; benefit*
20 *specialist program*. The amounts in the schedule for the programs for senior citizens,
21 including but not limited to the purpose of distributing funds under s. 46.80 (2m) (b)
22 to supplement any federal foster grandparent project funds received under 42 USC
23 5011 (a) and the purposes of ss. 46.80 (5) and 46.85, ~~and~~; for direct services for elder
24 persons and other individuals under s. 46.90 (5m); and for the benefit specialist
25 program for older persons under s. 46.81. Notwithstanding ss. 20.001 (3) (a) and

SENATE BILL 45**SECTION 449**

1 20.002 (1), the department of health and family services may transfer funds between
2 fiscal years under this paragraph. All funds allocated under ss. 46.80 (2m) (b) and
3 (5), 46.81 (2) and 46.85 but not encumbered by December 31 of each year lapse to the
4 general fund on the next January 1, unless transferred to the next calendar year by
5 the joint committee on finance, but the department may carry forward funds
6 allocated under s. 46.90 (5m) that are not encumbered by June 30 of each year for
7 allocation under s. 46.90 (5m) in the following state fiscal year. For the purposes of
8 this paragraph, funds are encumbered by December 31 if allocated for services
9 received or for goods ordered by December 31.

10 **SECTION 450.** 20.435 (7) (dj) of the statutes is repealed.

11 **SECTION 451.** 20.435 (7) (dL) of the statutes is renumbered 20.435 (7) (kL) and
12 amended to read:

13 20.435 (7) (kL) *Indian aids.* The amounts in the schedule to facilitate delivery
14 of social services and mental hygiene services to American Indians under s. 46.70.
15 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds
16 ~~between state fiscal years under this paragraph. All funds allocated under s. 46.70~~
17 ~~but not spent or encumbered by September 30 of each year lapse to the general fund~~
18 ~~on the next October 1, unless transferred to the next federal fiscal year by the joint~~
19 ~~committee on finance. For the purposes of this paragraph, funds are encumbered by~~
20 ~~September 30 if allocated for services received or for goods ordered by September 30~~
21 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18c.
22 shall be credited to this appropriation account.

23 **SECTION 452.** 20.435 (7) (dm) of the statutes is renumbered 20.435 (7) (km) and
24 amended to read:

SENATE BILL 45**SECTION 452**

1 20.435 (7) (km) *Indian drug abuse prevention and education*. The amounts in
2 the schedule for the American Indian drug abuse prevention and education program
3 under s. 46.71. All moneys transferred from the appropriation account under s.
4 20.505 (8) (hm) 18d. shall be credited to this appropriation account.

5 **SECTION 453.** 20.435 (7) (im) of the statutes is amended to read:

6 20.435 (7) (im) *Community options program; family care benefit; recovery of*
7 *costs of care*. From the moneys received from the recovery of costs of care under ss.
8 46.27 (7g) and 867.035 and rules promulgated under s. 46.286 (7), all moneys not
9 appropriated under sub. ~~(1)~~ (4) (in), for payments to county departments and aging
10 units under s. 46.27 (7g) (d), payments to care management organizations for
11 provision of the family care benefit under s. 46.284 (5), payment of claims under s.
12 867.035 (3) and payments for long-term community support services funded under
13 s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).

14 **SECTION 454.** 20.435 (7) (kb) of the statutes is amended to read:

15 20.435 (7) (kb) *Severely emotionally disturbed children*. As a continuing
16 appropriation, all moneys transferred from the appropriation under sub. ~~(5)~~ (4) (b)
17 to this appropriation to provide, under s. 46.485, mental health care and treatment
18 and community-based mental health services for severely emotionally disturbed
19 children. Notwithstanding s. 20.002 (1), the department of health and family
20 services may transfer from this appropriation to the appropriation under sub. ~~(5)~~ (4)
21 (b) funds as specified in s. 46.485 (3r).

22 **SECTION 455.** 20.435 (7) (kg) of the statutes is amended to read:

23 20.435 (7) (kg) *Compulsive gambling awareness campaigns*. The amounts in
24 the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys

SENATE BILL 45**SECTION 455**

1 transferred from ~~ss. s. 20.505 (8) (g) and (h) and 20.566 (8) (q) (hm) 1.~~ shall be credited
2 to this appropriation account.

3 **SECTION 456.** 20.435 (8) (g) of the statutes is repealed.

4 **SECTION 457.** 20.435 (8) (mm) of the statutes is created to read:

5 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
6 received from the federal government, other than moneys described under ss. 46.40
7 (1) (bm), 46.45 (2), 46.46, 49.45 (6u) and 49.49, that are intended to reimburse the
8 state for expenditures in previous fiscal years from general purpose revenue
9 appropriations whose purpose includes a requirement to match or secure federal
10 funds and that exceeded in those fiscal years the estimates reflected in the intentions
11 of the legislature and governor, as expressed by them in the budget determinations,
12 and the joint committee on finance, as expressed by the committee in any
13 determinations, and the estimates approved for expenditure by the secretary of
14 administration under s. 16.50 (2), for the purpose of paying federal disallowances,
15 federal sanctions or penalties and the costs of any corrective action affecting the
16 department of health and family services. Notwithstanding s. 20.001 (3) (c), at the
17 end of each fiscal year, the amount determined by the department of administration
18 under s. 16.54 (12) (d) shall lapse to the general fund.

19 **SECTION 458.** 20.445 (1) (em) of the statutes is renumbered 20.445 (7) (em).

20 **SECTION 459.** 20.445 (1) (ev) of the statutes is renumbered 20.445 (7) (a) and
21 amended to read:

22 20.445 (7) (a) ~~*Division of connecting education and work*~~ *General program*
23 *operations.* The amounts in the schedule for the general program operations of the
24 ~~division of connecting education and work~~ governor's work-based learning board
25 under s. 106.12.

SENATE BILL 45**SECTION 460**

1 **SECTION 460.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act
2 252, section 23, is amended to read:

3 20.445 (1) (gd) *Unemployment interest and penalty payments.* From the
4 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and
5 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all
6 moneys not appropriated under pars. (ge), (gf) and (gg) and all moneys transferred
7 to this appropriation account from the appropriation account under par. (gh) for the
8 payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132
9 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment
10 of interest due on advances from the federal unemployment account under title XII
11 of the social security act to the unemployment reserve fund, and for payments made
12 to the unemployment reserve fund to obtain a lower interest rate or deferral of
13 interest payments on these advances, except as otherwise provided in s. 108.20. The
14 secretary of administration shall transfer \$300,000 in each fiscal year from this
15 appropriation account to the appropriation account under sub. (7) (k).

16 **SECTION 461.** 20.445 (1) (kb) of the statutes is renumbered 20.445 (7) (kb).

17 **SECTION 462.** 20.445 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
18 27, is amended to read:

19 20.445 (3) (a) *General program operations.* The amounts in the schedule for
20 general program operations relating to economic support, including field services
21 and, administrative services and services related to identifying
22 maintenance-of-effort funds, for costs associated with receiving and disbursing
23 support and support-related payments, including any contract costs, and for
24 administering the program under s. 49.22 and all other purposes specified in s. 49.22.
25 No moneys may be expended under this paragraph for the program under, or any

SENATE BILL 45**SECTION 462**

1 other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are
2 insufficient for the purposes specified under that paragraph.

3 **SECTION 463.** 20.445 (3) (br) of the statutes is amended to read:

4 20.445 (3) (br) *Public assistance reform studies.* As a continuing appropriation,
5 the amounts in the schedule for the studies of public assistance reform under s. 49.32
6 (6), ~~for a study of the school attendance requirement under the learnfare pilot~~
7 ~~program for children who are 6 to 12 years of age and for the evaluation of the~~
8 ~~parental responsibility pilot program under s. 49.25 (9).~~

9 **SECTION 464.** 20.445 (3) (cb) of the statutes is repealed.

10 **SECTION 465.** 20.445 (3) (cm) of the statutes is amended to read:

11 20.445 (3) (cm) *Wisconsin works child care.* The amounts in the schedule for
12 paying child care subsidies under s. 49.155. ~~Before October 1, 1997, moneys~~
13 ~~appropriated under this paragraph may be used to fund child care costs of~~
14 ~~individuals who secure unsubsidized employment and lose eligibility for aid to~~
15 ~~families with dependent children as provided under s. 49.191 (2), for child care and~~
16 ~~related transportation costs under s. 49.26 (1) (e), for at-risk and low-income child~~
17 ~~care under s. 49.132, 1995 stats., and for child care costs under ss. 49.191 (1) and~~
18 ~~49.193 (8).~~

19 **SECTION 466.** 20.445 (3) (dz) of the statutes, as affected by 1997 Wisconsin Act
20 27, section 627b, is amended to read:

21 20.445 (3) (dz) *Wisconsin works and other public assistance administration and*
22 *benefits.* The amounts in the schedule for administration and benefit payments
23 under Wisconsin works under ss. 49.141 to 49.161, ~~the job opportunities and basic~~
24 ~~skills program under s. 49.193,~~ the learnfare program under s. 49.26, the work
25 experience and job search program under s. 49.36, and the food stamp program under

SENATE BILL 45**SECTION 466**

1 s. 49.124 and the parental responsibility pilot program under s. 49.25; for payment
2 distribution under s. 49.33 (8) for county administration of public assistance benefits
3 and medical assistance and badger care eligibility determination determinations
4 and payments to American Indian tribes for administration of public assistance
5 programs; to provide state aid for county administered public assistance programs
6 for which reimbursement is provided under s. 49.33 (9); ~~for child care costs under ss.~~
7 ~~49.191 (1) and (2), 49.193 (8) and 49.26 (1) (c); for the new hope project under s. 49.37;~~
8 ~~for aid to 18-year-old students under s. 49.20;~~ for funeral expenses under s. 49.30;
9 and to transfer to the appropriation account under s. 20.835 (2) (k) the amount
10 determined by the department of revenue under s. 49.175 (1) (b) 2. Payments may
11 be made from this appropriation to counties for fraud investigation and error
12 reduction under s. 49.197 (1m) and (4). Moneys appropriated under this paragraph
13 may be used to match federal funds received under par. (md). Notwithstanding ss.
14 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years
15 under this paragraph. All funds allocated by the department but not encumbered
16 by December 31 of each year lapse to the general fund on the next January 1 unless
17 transferred to the next calendar year by the joint committee on finance.

18 **SECTION 467.** 20.445 (3) (dz) of the statutes, as affected by 1999 Wisconsin Act
19 (this act), is amended to read:

20 20.445 (3) (dz) *Wisconsin works and other public assistance administration and*
21 *benefits.* The amounts in the schedule for administration and benefit payments
22 under Wisconsin works under ss. 49.141 to 49.161, the learnfare program under s.
23 49.26, the work experience and job search program under s. 49.36 and the food stamp
24 program under s. 49.124; for payment distribution under s. 49.33 (8) for county
25 administration of public assistance benefits and medical assistance and badger care

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1 eligibility determinations and payments to American Indian tribes for
2 administration of public assistance programs; to provide state aid for county
3 administered public assistance programs for which reimbursement is provided
4 under s. 49.33 (9); and for funeral expenses under s. 49.30; ~~and to transfer to the~~
5 ~~appropriation account under s. 20.835 (2) (k) the amount determined by the~~
6 ~~department of revenue under s. 49.175 (1) (b) 2.~~ Payments may be made from this
7 appropriation to counties for fraud investigation and error reduction under s. 49.197
8 (1m) and (4). Moneys appropriated under this paragraph may be used to match
9 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
10 (1), the department may transfer funds between fiscal years under this paragraph.
11 All funds allocated by the department but not encumbered by December 31 of each
12 year lapse to the general fund on the next January 1 unless transferred to the next
13 calendar year by the joint committee on finance.

14 **SECTION 468.** 20.445 (3) (ja) of the statutes, as affected by 1997 Wisconsin Act
15 27, is amended to read:

16 20.445 (3) (ja) *Child support state operations — fees.* All moneys received from
17 fees charged under s. 49.22 (8), from fees ordered under s. 767.29 (1) (d), from fees
18 collected under s. 767.29 (1) (dm) and from fees charged and incentive payments and
19 collections retained under s. 49.22 (7m), for costs associated with receiving and
20 disbursing support and support-related payments, including any contract costs, and
21 for administering the program under s. 49.22 and all other purposes specified in s.
22 49.22.

23 **SECTION 469.** 20.445 (3) (jg) of the statutes is repealed.

24 **SECTION 470.** 20.445 (3) (jm) of the statutes is repealed.

SENATE BILL 45**SECTION 471**

1 **SECTION 471.** 20.445 (3) (k) of the statutes, as affected by 1997 Wisconsin Act
2 191, section 8, is amended to read:

3 20.445 (3) (k) *Child support transfers.* All moneys transferred from the
4 appropriation account under par. (r), to be expended under the Wisconsin works
5 program under subch. III of ch. 49 and to be distributed as provided in s. 49.24 and
6 for the support of dependent children in accordance with applicable federal and state
7 statutes, federal regulations and state rules, for county child support order revision
8 programs under s. 49.23 (1), for state incentive payments under s. 49.23 (2) and for
9 assistance to counties in establishing paternity and obtaining child support.

10 **SECTION 472.** 20.445 (3) (L) of the statutes is amended to read:

11 20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the
12 moneys received as the state's share of the recovery of overpayments and incorrect
13 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
14 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), the amounts in the schedule for the
15 department's activities to reduce error and fraud in the food stamp, aid to families
16 with dependent children, Wisconsin works program and medical assistance
17 programs.

18 **SECTION 473.** 20.445 (3) (Lm) of the statutes is amended to read:

19 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance.* From the
20 moneys received as the state's share of the recovery of overpayments and incorrect
21 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
22 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), all moneys not appropriated under par. (L) for
23 county and tribal activities to reduce error and fraud in the food stamp, aid to
24 families with dependent children, Wisconsin works program and medical assistance
25 program.

SENATE BILL 45**SECTION 474**

1 **SECTION 474.** 20.445 (3) (mc) of the statutes is amended to read:

2 20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule
3 for the purposes of operating and administering the block grant programs for which
4 the block grant moneys are received and transferring moneys to the appropriation
5 accounts under ss. 20.435 (3) (kx), (6) (kx) and (8) (kx), 20.512 (1) (kg) and 20.525 (1)
6 (kb). All block grant moneys received for these purposes from the federal government
7 or any of its agencies for the state administration of federal block grants ~~for the~~
8 ~~purposes specified~~ shall be credited to this appropriation account.

9 **SECTION 475.** 20.445 (3) (md) of the statutes is amended to read:

10 20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule for aids
11 to individuals or organizations and to be transferred to the appropriation accounts
12 under sub. (7) (kc) and ss. 20.143 (1) (kd), 20.255 (2) (kh) and (kp), 20.434 (1) (ky),
13 20.435 (3) (kc), (kd) and (ky), (5) (ky), (7) (kw) and (ky) and (8) (kx) and 20.465 (4) (k).
14 All block grant moneys received for these purposes from the federal government or
15 any of its agencies ~~to be expended as aids to individuals or organizations and to be~~
16 ~~transferred to the appropriation accounts under s. 20.435 (3) (kc) and (kd), (7) (kw)~~
17 ~~and (ky) and (8) (kx)~~ shall be credited to this appropriation account.

18 **SECTION 476.** 20.445 (3) (mm) of the statutes is created to read:

19 20.445 (3) (mm) *Reimbursements from federal government.* All moneys
20 received from the federal government that are intended to reimburse the state for
21 expenditures in previous fiscal years from general purpose revenue appropriations
22 whose purpose includes a requirement to match or secure federal funds and that
23 exceeded in those fiscal years the estimates reflected in the intentions of the
24 legislature and governor, as expressed by them in the budget determinations, and
25 the joint committee on finance, as expressed by the committee in any determinations,

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1 and the estimates approved for expenditure by the secretary of administration under
2 s. 16.50 (2), for the purpose of paying federal disallowances, federal sanctions or
3 penalties and the costs of any corrective action affecting the department of workforce
4 development. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the
5 amount determined by the department of administration under s. 16.54 (12) (d) shall
6 lapse to the general fund.

7 **SECTION 477.** 20.445 (5) (kg) of the statutes is created to read:

8 20.445 (5) (kg) *Vocational rehabilitation services for tribes.* The amounts in the
9 schedule for vocational rehabilitation services under ch. 47 for Native American
10 individuals and federally recognized American Indian tribes or bands. All moneys
11 transferred from the appropriation account under s. 20.505 (8) (hm) 18e. shall be
12 credited to this appropriation account.

13 **SECTION 478.** 20.445 (7) of the statutes is created to read:

14 20.445 (7) GOVERNOR'S WORK-BASED LEARNING BOARD.

15 (b) *Local youth apprenticeship grants.* The amounts in the schedule for local
16 youth apprenticeship grants under s. 106.13 (3m).

17 (c) *Technical college study grants.* The amounts in the schedule for study grants
18 to technical college district school students under s. 106.13 (4g).

19 (k) *Career counseling center grants.* The amounts in the schedule for the
20 payment of career counseling center grants under s. 106.14. All moneys transferred
21 from the appropriation account under sub. (1) (gd) shall be credited to this
22 appropriation account.

23 (kc) *Transfer of public assistance funds; work-based learning programs.* All
24 moneys transferred from the appropriation account under sub. (3) (md) for

SENATE BILL 45**SECTION 478**

1 work-based learning programs for youths who are eligible to receive temporary
2 assistance for needy families under 42 USC 601 to 619.

3 (kx) *Interagency and intra-agency programs.* All moneys received from other
4 state agencies and all moneys received by the department from the department for
5 the administration of programs or projects for which received.

6 **SECTION 479.** 20.455 (1) (kc) of the statutes is created to read:

7 20.455 (1) (kc) *Indian law legal services.* The amounts in the schedule for the
8 provision of Indian law legal services. All moneys transferred from the appropriation
9 account under s. 20.505 (8) (hm) 13m. shall be credited to this appropriation account.

10 **SECTION 480.** 20.455 (1) (km) of the statutes is amended to read:

11 20.455 (1) (km) *Interagency and intra-agency assistance.* The amounts in the
12 schedule to provide legal services to state agencies. All moneys received from the
13 department or from any other state agency ~~for legal services~~ under s. 165.25 (6) (f)
14 shall be credited to this appropriation.

15 **SECTION 481.** 20.455 (2) (d) of the statutes is repealed.

16 **SECTION 482.** 20.455 (2) (hm) of the statutes is repealed.

17 **SECTION 483.** 20.455 (2) (hn) of the statutes is renumbered 20.455 (2) (kt) and
18 amended to read:

19 20.455 (2) (kt) *County-tribal programs, local assistance.* The amounts in the
20 schedule for distribution to county-tribal law enforcement programs under s.
21 165.90. All moneys transferred from ~~par. (hm)~~ the appropriation account under s.
22 20.505 (8) (hm) 15g. shall be credited to this appropriation account.

23 **SECTION 484.** 20.455 (2) (ho) of the statutes is renumbered 20.455 (2) (ku) and
24 amended to read:

SENATE BILL 45**SECTION 484**

1 20.455 (2) (ku) *County-tribal programs, state operations.* The amounts in the
2 schedule to finance ~~state operations~~ the activities of the department of justice
3 associated with county-tribal law enforcement programs under s. 165.90. All
4 moneys transferred from ~~par. (hm)~~ the appropriation account under s. 20.505 (8)
5 (hm) 15h. shall be credited to this appropriation account.

6 **SECTION 485.** 20.455 (2) (i) of the statutes is repealed.

7 **SECTION 486.** 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
8 amended to read:

9 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
10 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
11 (b) ~~and (5m)~~. All moneys transferred from ~~par. (i)~~ the appropriation account under
12 s. 20.505 (6) (j) 1. shall be credited to this appropriation account.

13 **SECTION 487.** 20.455 (2) (ja) of the statutes is renumbered 20.455 (2) (kq) and
14 amended to read:

15 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
16 in the schedule to finance ~~state operations associated with~~ the administration of the
17 law enforcement training fund and to finance training for state law enforcement
18 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from ~~par. (i)~~ the
19 appropriation account under s. 20.505 (6) (j) 2. shall be credited to this appropriation
20 account.

21 **SECTION 488.** 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
22 amended to read:

23 20.455 (2) (kr) *Crime laboratory equipment and supplies.* ~~Biennially, the~~ The
24 amounts in the schedule for the maintenance, repair, upgrading and replacement
25 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade

SENATE BILL 45**SECTION 488**

1 and replace that equipment, in the state and regional crime laboratories. All moneys
2 transferred from par. (i) the appropriation account under s. 20.505 (6) (j) 10. shall be
3 credited to this appropriation account.

4 **SECTION 489.** 20.455 (2) (ke) of the statutes is created to read:

5 20.455 (2) (ke) *Drug enforcement intelligence operations.* The amounts in the
6 schedule for drug enforcement tactical and strategic intelligence units. All moneys
7 transferred from the appropriation account under s. 20.505 (6) (j) 9. shall be credited
8 to this appropriation account.

9 **SECTION 490.** 20.455 (2) (km) of the statutes is created to read:

10 20.455 (2) (km) *Lottery background investigations.* The amounts in the
11 schedule for the purpose of providing lottery-related background investigations. All
12 moneys received from the department of revenue or any state agency as payments
13 for services provided and costs incurred by the department of justice for lottery
14 background investigations under s. 565.25 (4) shall be credited to this appropriation.

15 **SECTION 491.** 20.455 (5) (gc) of the statutes is amended to read:

16 20.455 (5) (gc) *Crime victim and witness surcharge; sexual assault victim*
17 *services and reimbursement to counties.* All moneys received from part B of crime
18 victim and witness assistance surcharges authorized under s. 973.045 (3) (a) 2. to
19 provide grants for sexual assault victim services under s. 165.93 and to provide
20 reimbursement to counties under s. 950.06 (2).

21 **SECTION 492.** 20.455 (5) (k) of the statutes is amended to read:

22 20.455 (5) (k) *Interagency and intra-agency assistance; reimbursement to*
23 *counties.* The amounts in the schedule to provide services to state agencies relating
24 to victims and witnesses and to provide reimbursement to counties under s. 950.06

SENATE BILL 45**SECTION 492**

1 (2). All moneys received from the department or any other state agency for services
2 relating to victims and witnesses shall be credited to this appropriation.

3 **SECTION 493.** 20.455 (5) (kk) of the statutes is amended to read:

4 20.455 (5) (kk) *Reimbursement to counties for providing victim and witness*
5 *services.* All moneys transferred from the appropriation account under par. (kj) for
6 the purpose of reimbursing counties under s. 950.06 (2) for costs incurred in
7 providing services to victims and witnesses.

8 **SECTION 494.** 20.455 (5) (kp) of the statutes is created to read:

9 20.455 (5) (kp) *Reimbursement to counties for victim-witness services.* The
10 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 (2)
11 for costs incurred in providing services to victims and witnesses of crime. All moneys
12 transferred from the appropriation account under s. 20.505 (6) (j) 11. shall be credited
13 to this appropriation account.

14 **SECTION 495.** 20.455 (5) (ma) of the statutes is created to read:

15 20.455 (5) (ma) *Federal aid; state operations relating to crime victim services.*
16 All moneys received as federal aid for the administration of crime victim services, as
17 authorized by the governor under s. 16.54, to carry out the purposes for which made
18 and received.

19 **SECTION 496.** 20.455 (5) (mh) of the statutes is amended to read:

20 20.455 (5) (mh) *Federal aid; victim assistance.* All moneys received from the
21 federal government for crime victim assistance, as authorized by the governor under
22 s. 16.54, to carry out the purposes for which made and received, and to transfer to
23 the appropriation account under s. 20.410 (1) (kg) the amounts in the schedule under
24 s. 20.410 (1) (kg).

25 **SECTION 497.** 20.465 (4) (b) of the statutes is repealed.

SENATE BILL 45**SECTION 498**

1 **SECTION 498.** 20.465 (4) (k) of the statutes is created to read:

2 20.465 (4) (k) *Interagency assistance; Badger Challenge program.* All moneys
3 received from other state agencies for operation of the Badger Challenge program
4 under s. 21.25, for that purpose.

5 **SECTION 499.** 20.485 (1) (gm) of the statutes is repealed.

6 **SECTION 500.** 20.485 (2) (kg) of the statutes is created to read:

7 20.485 (2) (kg) *American Indian services coordinator.* The amounts in the
8 schedule for an American Indian services veterans benefits coordinator project
9 position. All moneys transferred from the appropriation account under s. 20.505 (8)
10 (hm) 13g. shall be credited to this appropriation account.

11 **SECTION 501.** 20.485 (2) (km) of the statutes is created to read:

12 20.485 (2) (km) *American Indian grants.* The amounts in the schedule grants
13 to American Indian tribes and bands under s. 45.35 (14) (h). All moneys transferred
14 from the appropriation account under s. 20.505 (8) (hm) 13t. shall be credited to this
15 appropriation account.

16 **SECTION 502.** 20.485 (2) (mg) of the statutes is created to read:

17 20.485 (2) (mg) *Federal aid; veterans training.* All moneys received from the
18 federal government for the purpose of veterans training as authorized by the
19 governor under s. 16.54.

20 **SECTION 503.** 20.485 (4) (a) of the statutes is repealed.

21 **SECTION 504.** 20.485 (4) (g) of the statutes is amended to read:

22 20.485 (4) (g) *Cemetery operations.* The amounts in the schedule for the care
23 and operation of the veterans memorial cemeteries under s. 45.358 other than those
24 costs provided under pars. (a), (q) and (r). All moneys received under s. 45.358 (3m)
25 shall be credited to this appropriation account.

SENATE BILL 45**SECTION 505**

1 **SECTION 505.** 20.490 (5) (kp) of the statutes is created to read:

2 20.490 (5) (kp) *Indian gaming transfer to Wisconsin development reserve fund.*

3 All moneys transferred from the appropriation account under s 20.505 (8) (hm) 6p.
4 to be transferred to the Wisconsin development reserve fund under s. 234.93 for
5 guarantees under s. 234.83 (4) (am) and interest subsidies under s. 234.83 (5).

6 **SECTION 506.** 20.490 (7) of the statutes is created to read:

7 20.490 (7) BIOTECHNOLOGY DEVELOPMENT FINANCE COMPANY. (a) *Start-up capital*
8 *and administrative expenses.* Biennially, the amounts in the schedule to be
9 transferred to the biotechnology development finance company under s. 234.64 for
10 start-up capital and for reasonable administrative expenses of the biotechnology
11 development finance company.

12 **SECTION 507.** 20.490 (7) of the statutes, as created by 1999 Wisconsin Act ...
13 (this act), is repealed.

14 **SECTION 508.** 20.505 (1) (a) of the statutes is amended to read:

15 20.505 (1) (a) *General program operations.* The amounts in the schedule for
16 administrative supervision, policy and fiscal planning and management and
17 prosecution services and to defray the expenses incurred by the building commission
18 not otherwise appropriated.

19 **SECTION 509.** 20.505 (1) (ab) of the statutes is repealed.

20 **SECTION 510.** 20.505 (1) (d) of the statutes is repealed.

21 **SECTION 511.** 20.505 (1) (fm) of the statutes, as affected by 1999 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 512.** 20.505 (1) (ij) of the statutes is amended to read:

24 20.505 (1) (ij) *Land information board; aids to counties.* From the moneys
25 received by the land information board under s. 59.72 (5) (a), all moneys not

SENATE BILL 45**SECTION 512**

1 appropriated under ~~par. pars.~~ par. (ie) and (ik) for the purpose of providing aids to
2 counties for land information projects under s. 16.967 (7).

3 **SECTION 513.** 20.505 (1) (ik) of the statutes is created to read:

4 20.505 (1) (ik) *Computer-based land information system.* From the moneys
5 received by the land information board under s. 59.72 (5) (a), the amounts in the
6 schedule to be transferred to the department.

7 **SECTION 514.** 20.505 (1) (ik) of the statutes, as created by 1999 Wisconsin Act
8 (this act), is repealed.

9 **SECTION 515.** 20.505 (1) (ip) of the statutes is created to read:

10 20.505 (1) (ip) *Master lease payments.* All moneys received from municipalities
11 with respect to property or services obtained under master leases as provided in s.
12 16.76 (4), to be applied to make the payments required under the related master
13 leases.

14 **SECTION 516.** 20.505 (1) (is) of the statutes is amended to read:

15 20.505 (1) (is) *Information technology processing services to nonstate entities.*
16 All moneys received from local governmental units and entities in the private sector
17 for provision of computer services, telecommunications services and supercomputer
18 services under s. 16.973 (2) (b) and (c) or under s. ~~196.218 (4r) (e) 4.~~ 44.73 (2) (d), to
19 be used for the purpose of providing those services.

20 **SECTION 517.** 20.505 (1) (ja) of the statutes is amended to read:

21 20.505 (1) (ja) *Justice information systems.* The amounts in the schedule for
22 the development and operation of automated justice information systems under s.
23 16.971 (9). ~~Four-sevenths~~ Four-ninths of the moneys received under s. 814.635 (1)
24 shall be credited to this appropriation account.

25 **SECTION 518.** 20.505 (1) (ka) of the statutes is amended to read:

SENATE BILL 45**SECTION 518**

1 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

2 The amounts in the schedule to provide services primarily to state agencies or local
3 professional baseball park districts created under subch. III of ch. 229, other than
4 services specified in pars. (im), (is) and ~~(kb) to (ks)~~ (kc) to (kt) and subs. (2) (k) and
5 (5) (ka), and to repurchase inventory items sold primarily to state agencies or such
6 districts, to provide for the general program operations of the public records board
7 and to transfer the amounts appropriated under s. 20.585 (1) (kb) to the
8 appropriation account under s. 20.585 (1) (kb). All moneys received from the
9 provision of services primarily to state agencies and such districts and from the sale
10 of inventory items primarily to state agencies and such districts, other than moneys
11 received and disbursed under pars. (im), (is) and ~~(kb) to (ks)~~ (kc) to (kt) and subs. (2)
12 (k) and (5) (ka), shall be credited to this appropriation account.

13 **SECTION 519.** 20.505 (1) (ka) of the statutes, as affected by 1997 Wisconsin Act
14 27, section 669am, is amended to read:

15 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

16 The amounts in the schedule to provide services primarily to state agencies or local
17 professional baseball park districts created under subch. III of ch. 229, other than
18 services specified in pars. (im), (is) and ~~(kb) to (kr)~~ (kc) to (kt) and subs. (2) (k) and
19 (5) (ka), and to repurchase inventory items sold primarily to state agencies or such
20 districts, to provide for the general program operations of the public records board
21 and to transfer the amounts appropriated under s. 20.585 (1) (kb) to the
22 appropriation account under s. 20.585 (1) (kb). All moneys received from the
23 provision of services primarily to state agencies and such districts and from the sale
24 of inventory items primarily to state agencies and such districts, other than moneys

SENATE BILL 45**SECTION 519**

1 received and disbursed under pars. (im), (is) and ~~(kb) to (kr)~~ (kc) to (kt) and subs. (2)
2 (k) and (5) (ka), shall be credited to this appropriation account.

3 **SECTION 520.** 20.505 (1) (kb) of the statutes is repealed.

4 **SECTION 521.** 20.505 (1) (kd) of the statutes is repealed.

5 **SECTION 522.** 20.505 (1) (kf) of the statutes is created to read:

6 20.505 (1) (kf) *Land information system services.* All moneys transferred from
7 the appropriation account under par. (ik), to be used for the development and
8 maintenance of a computer-based Wisconsin land information system under s.
9 16.966 (3).

10 **SECTION 523.** 20.505 (1) (kf) of the statutes, as created by 1999 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 524.** 20.505 (1) (kj) of the statutes is repealed.

13 **SECTION 525.** 20.505 (1) (kL) of the statutes is amended to read:

14 20.505 (1) (kL) *Information technology processing services to agencies.* All
15 moneys received from state agencies for the provision of information technology
16 processing or telecommunications services under ss. 16.973 and 16.974 or under s.
17 44.73 (2) (d), to be used for the purpose of providing those services.

18 **SECTION 526.** 20.505 (1) (kq) of the statutes is created to read:

19 20.505 (1) (kq) *Justice information systems development, operation and*
20 *maintenance.* The amounts in the schedule for the purpose of developing, operating
21 and maintaining automated justice information systems under s. 16.971 (9). All
22 moneys transferred from the appropriation account under s. 20.505 (6) (j) 12. shall
23 be credited to this appropriation account.

24 **SECTION 527.** 20.505 (1) (kt) of the statutes is created to read:

SENATE BILL 45**SECTION 527**

1 20.505 (1) (kt) *Soil survey and mapping; state agency support.* All moneys
2 received from assessments levied against state agencies under s. 16.966 (5) to
3 conduct soil surveys and soil mapping activities.

4 **SECTION 528.** 20.505 (1) (qm) of the statutes is repealed.

5 **SECTION 529.** 20.505 (1) (z) of the statutes is created to read:

6 20.505 (1) (z) *Planning grants to local governmental units.* From the
7 transportation fund, the amounts in the schedule to provide planning grants to local
8 governmental units under s. 16.952. All moneys received from the federal
9 government and transferred from the appropriation account under s. 20.395 (3) (ix)
10 shall be credited to this appropriation account.

11 **SECTION 530.** 20.505 (3) (e) of the statutes is repealed.

12 **SECTION 531.** 20.505 (3) (g) of the statutes is amended to read:

13 20.505 (3) (g) *Gifts and grants.* All moneys received from gifts, grants or
14 bequests by the women's council or by any committee created by law or executive
15 ~~order, by the women's council or by the office of mediation if the office is created by~~
16 ~~executive order under s. 14.019,~~ to be used for the purposes for which made and
17 received.

18 **SECTION 532.** 20.505 (4) (fm) of the statutes is renumbered 20.505 (1) (fm).

19 **SECTION 533.** 20.505 (4) (j) of the statutes is renumbered 20.435 (3) (gb) and
20 amended to read:

21 20.435 (3) (gb) *National and community service board; gifts and grants.* All
22 moneys received from gifts, grants and bequests for the activities of the national and
23 community service board under s. ~~16.22~~ 46.78, to carry out the purpose for which
24 made and received.

SENATE BILL 45**SECTION 534**

1 **SECTION 534.** 20.505 (4) (o) of the statutes is renumbered 20.435 (3) (om) and
2 amended to read:

3 20.435 **(3)** (om) *National and community service board; federal aid for*
4 *administration.* From the moneys received from the corporation for national and
5 community service under 42 USC 12542 (a) and 12571 (a), as a continuing
6 appropriation, the amounts in the schedule for the administration of the national
7 and community service program under s. ~~16.22~~ 46.78.

8 **SECTION 535.** 20.505 (4) (p) of the statutes is renumbered 20.435 (3) (p) and
9 amended to read:

10 20.435 **(3)** (p) *National and community service board; federal aid for grants.*
11 From the moneys received from the corporation for national and community service
12 under the ~~national and community service trust act of 1993, P.L. 103-82~~ 42 USC
13 12542 (a) and 12571 (a), all moneys not appropriated under par. ~~(o)~~ (om) for national
14 service program grants under s. ~~16.22~~ 46.78 (2) (h).

15 **SECTION 536.** 20.505 (5) (d) of the statutes is created to read:

16 20.505 **(5)** (d) *Former educational communications board principal repayment*
17 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
18 principal and interest costs that are not paid under par. (h) and that are incurred in
19 financing the acquisition, construction, development, enlargement or improvement
20 of facilities approved by the building commission for operation by the educational
21 communications board. No moneys may be encumbered under this paragraph unless
22 the secretary of administration first determines that the federal communications
23 commission has approved the transfer of all broadcasting licenses held by the
24 educational communications board and the board of regents of the University of
25 Wisconsin System to the corporation described under s. 39.81.

SENATE BILL 45**SECTION 537**

1 **SECTION 537.** 20.505 (5) (h) of the statutes is created to read:

2 20.505 (5) (h) *Lease payments for educational broadcasting facilities.* All lease
3 payments for state-owned educational broadcasting facilities and equipment
4 received from the corporation described under s. 39.81 for the purpose of reimbursing
5 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement or improvement of facilities
7 approved by the building commission for operation by the educational
8 communications board.

9 **SECTION 538.** 20.505 (5) (i) of the statutes is created to read:

10 20.505 (5) (i) *Emergency weather warning system operation.* The amounts in
11 the schedule for the operation of the emergency weather warning system under s.
12 16.25. All moneys received for the provision of state telecommunications and data
13 processing services and sale of telecommunications and data processing inventory
14 items primarily to state agencies shall be credited to this appropriation account. No
15 moneys may be encumbered under this paragraph unless the secretary of
16 administration first determines that the federal communications commission has
17 approved the transfer of all broadcasting licenses held by the educational
18 communications board and the board of regents of the University of Wisconsin
19 System to the corporation described under s. 39.81.

20 **SECTION 539.** 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
21 amended to read:

22 20.505 (6) (kp) *Anti-drug enforcement program, penalty assessment — local.*
23 ~~All moneys received from the penalty assessment surcharge on court fines and~~
24 ~~forfeitures as allocated under s. 165.87 (1)~~ The amounts in the schedule to match
25 federal funds made available under subtitle K of title I of P.L. 99-570, ~~except as~~

SENATE BILL 45**SECTION 539**

1 provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of
2 justice assistance may transfer moneys not needed as matching funds under this
3 paragraph to par. (h). The secretary of administration shall transfer \$645,000 from
4 this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration
5 shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99
6 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug
7 enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year
8 1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for
9 a drug enforcement strategic intelligence unit. All moneys transferred from the
10 appropriation account under par. (j) 3. shall be credited to this appropriation account.

11 **SECTION 540.** 20.505 (6) (h) of the statutes is renumbered 20.505 (6) (kt) and
12 amended to read:

13 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*
14 All moneys transferred from par. (g) The amounts in the schedule to match federal
15 and allocated to state agencies for planning, programs and administration regarding
16 anti-drug abuse law enforcement assistance. The secretary of administration shall
17 transfer \$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i) to
18 carry out the purposes for which received. All moneys transferred from the
19 appropriation account under par. (j) 14. shall be credited to this appropriation
20 account.

21 **SECTION 541.** 20.505 (6) (i) of the statutes is created to read:

22 20.505 (6) (i) *Gifts and grants.* All moneys received from gifts and grants, other
23 than moneys received for and deposited in the appropriation accounts under pars.
24 (k) to (pc), to carry out the purposes for which made and received.
25

SENATE BILL 45**SECTION 542**

1 **SECTION 542.** 20.505 (6) (j) of the statutes is created to read:

2 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
3 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures and
4 all moneys transferred under 1999 Wisconsin Act (this act), sections 9230 (1) and
5 (2), 9238 (1) and 9239 (1) and (2), for the purpose of transferring the following
6 amounts to the following appropriation accounts:

7 1. The amount transferred to s. 20.455 (2) (kp) shall be the amount in the
8 schedule under s. 20.455 (2) (kp).

9 2. The amount transferred to s. 20.455 (2) (kq) shall be the amount in the
10 schedule under s. 20.455 (2) (kq).

11 3. The amount transferred to par. (kp) shall be the amount in the schedule
12 under par. (kp).

13 4. The amount transferred to s. 20.255 (1) (kd) shall be the amount in the
14 schedule under s. 20.255 (1) (kd).

15 5. The amount transferred to s. 20.255 (2) (kd) shall be the amount in the
16 schedule under s. 20.255 (2) (kd).

17 6. The amount transferred to s. 20.410 (1) (kp) shall be the amount in the
18 schedule under s. 20.410 (1) (kp).

19 7. The amount transferred to s. 20.410 (1) (kv) shall be the amount in the
20 schedule under s. 20.410 (1) (kv).

21 8. The amount transferred to s. 20.410 (3) (kj) shall be the amount in the
22 schedule under s. 20.410 (3) (kj).

23 9. The amount transferred to s. 20.455 (2) (ke) shall be of the amount in the
24 schedule under s. 20.455 (2) (ke).

SENATE BILL 45**SECTION 542**

1 10. The amount transferred to s. 20.455 (2) (kr) shall be of the amount in the
2 schedule under s. 20.455 (2) (kr).

3 11. The amount transferred to s. 20.455 (5) (kp) shall be the amount in the
4 schedule under s. 20.455 (5) (kp).

5 12. The amount transferred to sub. (1) (kq) shall be the amount in the schedule
6 under sub. (kq).

7 13. The amount transferred to par. (k) shall be the amount in the schedule
8 under par. (k).

9 14. The amount transferred to par. (kt) shall be the amount in the schedule
10 under par. (kt).

11 15. The amount transferred to s. 20.550 (1) (kj) shall be the amount in the
12 schedule under s. 20.550 (1) (kj).

13 **SECTION 543.** 20.505 (6) (k) of the statutes is amended to read:

14 20.505 (6) (k) *Anti-drug enforcement program — administration.* ~~All moneys~~
15 ~~received from any state agency for planning, programs and administration regarding~~
16 ~~anti-drug abuse~~ The amounts in the schedule for the purpose of administering
17 federal grants for law enforcement assistance. All moneys transferred from the
18 appropriation account under par. (j) 13. shall be credited to this appropriation
19 account.

20 **SECTION 544.** 20.505 (6) (ks) of the statutes is created to read:

21 20.505 (6) (ks) *Tribal law enforcement assistance.* The amounts in the schedule
22 to provide grants for tribal law enforcement under s. 16.964 (6). All moneys
23 transferred from the appropriation account under s. 20.505 (8) (hm) 15. shall be
24 credited to this appropriation account.

25 **SECTION 545.** 20.505 (8) (g) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 545**

1 20.505 (8) (g) *General program operations; racing.* (intro.) The amounts in the
2 schedule for general program operations under ch. 562. All moneys received by the
3 department of administration under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d),
4 562.05 (2), 562.065 (3) (d) and (4), 562.09 (2) (e) and 562.124 (2), less the amounts
5 appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account.
6 ~~Annually, of the moneys received under this appropriation account, an amount equal~~
7 ~~to 14% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to~~
8 ~~the appropriation account under s. 20.435 (7) (kg).~~ The unencumbered balance in
9 this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal
10 year's expenditures under this appropriation, but not more than the total amount
11 received during that fiscal year under s. 562.065 (3) (d) and (4), shall be transferred
12 as follows:

13 **SECTION 546.** 20.505 (8) (h) of the statutes is amended to read:

14 20.505 (8) (h) *General program operations; Indian gaming.* ~~The~~ From the
15 moneys received under s. 569.06, the amounts in the schedule for general program
16 operations under ch. 569. ~~All Indian gaming receipts, as defined in s. 569.01 (1m),~~
17 ~~less the amounts appropriated under s. 20.455 (2) (gc), shall be credited to this~~
18 ~~appropriation account. Annually, of the moneys received under this appropriation~~
19 ~~account, an amount equal to 50% of the amount in the schedule under s. 20.435 (7)~~
20 ~~(kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg).~~

21 **SECTION 547.** 20.505 (8) (hm) (intro.) of the statutes is created to read:

22 20.505 (8) (hm) *Indian gaming receipts.* (intro.) All moneys received as Indian
23 gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under
24 par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following
25 amounts:

SENATE BILL 45**SECTION 548**

1 **SECTION 548.** 20.505 (8) (hm) 1. of the statutes is created to read:

2 20.505 (8) (hm) 1. The amount transferred to s. 20.435 (7) (kg) shall be the
3 amount in the schedule under s. 20.435 (7) (kg).

4 **SECTION 549.** 20.505 (8) (hm) 1c. of the statutes is created to read:

5 20.505 (8) (hm) 1c. The amount transferred to s. 20.285 (1) (km) shall be the
6 amount in the schedule under s. 20.285 (1) (km).

7 **SECTION 550.** 20.505 (8) (hm) 1f. of the statutes is created to read:

8 20.505 (8) (hm) 1f. The amount transferred to the conservation fund shall be
9 \$2,000,000.

10 **SECTION 551.** 20.505 (8) (hm) 4b. of the statutes is created to read:

11 20.505 (8) (hm) 4b. The amount transferred to s. 20.215 (1) (km) shall be the
12 amount in the schedule under s. 20.215 (1) (km).

13 **SECTION 552.** 20.505 (8) (hm) 4h. of the statutes is created to read:

14 20.505 (8) (hm) 4h. The amount transferred to s. 20.245 (2) (km) shall be the
15 amount in the schedule under s. 20.245 (2) (km).

16 **SECTION 553.** 20.505 (8) (hm) 4i. of the statutes is created to read:

17 20.505 (8) (hm) 4i. The amount transferred to s. 20.235 (1) (k) shall be the
18 amount in the schedule under s. 20.235 (1) (k).

19 **SECTION 554.** 20.505 (8) (hm) 6. of the statutes is created to read:

20 20.505 (8) (hm) 6. The amount transferred to s. 20.380 (1) (kg) shall be
21 \$4,000,000.

22 **SECTION 555.** 20.505 (8) (hm) 6f. of the statutes is created to read:

23 20.505 (8) (hm) 6f. The amount transferred to s. 20.143 (1) (kf) shall be the
24 amount in the schedule under s. 20.143 (1) (kf).

25 **SECTION 556.** 20.505 (8) (hm) 6g. of the statutes is created to read:

SENATE BILL 45**SECTION 556**

1 20.505 (8) (hm) 6g. The amount transferred to s. 20.143 (1) (kg) shall be the
2 amount in the schedule under s. 20.143 (1) (kg).

3 **SECTION 557.** 20.505 (8) (hm) 6h. of the statutes is created to read:

4 20.505 (8) (hm) 6h. The amount transferred to s. 20.143 (1) (kh) shall be the
5 amount in the schedule under s. 20.143 (1) (kh).

6 **SECTION 558.** 20.505 (8) (hm) 6j. of the statutes is created to read:

7 20.505 (8) (hm) 6j. The amount transferred to s. 20.143 (1) (kj) shall be the
8 amount in the schedule under s. 20.143 (1) (kj).

9 **SECTION 559.** 20.505 (8) (hm) 6m. of the statutes is created to read:

10 20.505 (8) (hm) 6m. The amount transferred to s. 20.143 (1) (km) shall be the
11 amount in the schedule under s. 20.143 (1) (km).

12 **SECTION 560.** 20.505 (8) (hm) 6p. of the statutes is created to read:

13 20.505 (8) (hm) 6p. The amount transferred to s. 20.490 (5) (kp) shall be
14 \$2,500,000.

15 **SECTION 561.** 20.505 (8) (hm) 6p. of the statutes, as created by 1999 Wisconsin
16 Act (this act), is repealed.

17 **SECTION 562.** 20.505 (8) (hm) 6r. of the statutes is created to read:

18 20.505 (8) (hm) 6r. The amount transferred to s. 20.143 (1) (kr) shall be
19 \$388,700.

20 **SECTION 563.** 20.505 (8) (hm) 7. of the statutes is created to read:

21 20.505 (8) (hm) 7. The amount transferred to the appropriation account under
22 s. 20.435 (4) (ky) shall be \$2,055,000 in fiscal year 1999–2000 and \$2,115,000 in fiscal
23 year 2000–01.

24 **SECTION 564.** 20.505 (8) (hm) 8d. of the statutes is created to read:

SENATE BILL 45**SECTION 564**

1 20.505 (8) (hm) 8d. The amount transferred to s. 20.370 (4) (kk) shall be the
2 amount in the schedule under s. 20.370 (4) (kk).

3 **SECTION 565.** 20.505 (8) (hm) 8g. of the statutes is created to read:

4 20.505 (8) (hm) 8g. The amount transferred to s. 20.370 (1) (hk) shall be the
5 amount in the schedule under s. 20.370 (1) (hk).

6 **SECTION 566.** 20.505 (8) (hm) 8k. of the statutes is created to read:

7 20.505 (8) (hm) 8k. The amount transferred to s. 20.370 (3) (ak) shall be the
8 amount in the schedule under s. 20.370 (3) (ak).

9 **SECTION 567.** 20.505 (8) (hm) 8m. of the statutes is created to read:

10 20.505 (8) (hm) 8m. The amount transferred to s. 20.370 (5) (ek) shall be the
11 amount in the schedule under s. 20.370 (5) (ek).

12 **SECTION 568.** 20.505 (8) (hm) 8r. of the statutes is created to read:

13 20.505 (8) (hm) 8r. The amount transferred to s. 20.370 (9) (hk) shall be the
14 amount in the schedule under s. 20.370 (9) (hk).

15 **SECTION 569.** 20.505 (8) (hm) 10. of the statutes is created to read:

16 20.505 (8) (hm) 10. The amount transferred to s. 20.235 (1) (km) shall be the
17 amount in the schedule under s. 20.235 (1) (km).

18 **SECTION 570.** 20.505 (8) (hm) 11. of the statutes is created to read:

19 20.505 (8) (hm) 11. The amount transferred to s. 20.255 (2) (km) shall be the
20 amount in the schedule under s. 20.255 (2) (km).

21 **SECTION 571.** 20.505 (8) (hm) 11a. of the statutes is created to read:

22 20.505 (8) (hm) 11a. The amount transferred to s. 20.285 (1) (kn) shall be the
23 amount in the schedule under s. 20.285 (1) (kn).

24 **SECTION 572.** 20.505 (8) (hm) 13g. of the statutes is created to read:

SENATE BILL 45**SECTION 572**

1 20.505 (8) (hm) 13g. The amount transferred to s. 20.485 (2) (kg) shall be the
2 amount in the schedule under s. 20.485 (2) (kg).

3 **SECTION 573.** 20.505 (8) (hm) 13m. of the statutes is created to read:

4 20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the
5 amount in the schedule under s. 20.455 (1) (kc).

6 **SECTION 574.** 20.505 (8) (hm) 13t. of the statutes is created to read:

7 20.505 (8) (hm) 13t. The amount transferred to s. 20.485 (2) (km) shall be the
8 amount in the schedule under s. 20.485 (2) (km).

9 **SECTION 575.** 20.505 (8) (hm) 15. of the statutes is created to read:

10 20.505 (8) (hm) 15. The amount transferred to s. 20.505 (6) (ks) shall be the
11 amount in the schedule under s. 20.505 (6) (ks).

12 **SECTION 576.** 20.505 (8) (hm) 15g. of the statutes is created to read:

13 20.505 (8) (hm) 15g. The amount transferred to s. 20.455 (2) (kt) shall be the
14 amount in the schedule under s. 20.455 (2) (kt).

15 **SECTION 577.** 20.505 (8) (hm) 15h. of the statutes is created to read:

16 20.505 (8) (hm) 15h. The amount transferred to s. 20.455 (2) (ku) shall be the
17 amount in the schedule under s. 20.455 (2) (ku).

18 **SECTION 578.** 20.505 (8) (hm) 17. of the statutes is created to read:

19 20.505 (8) (hm) 17. The amount transferred to s. 20.370 (6) (ak) shall be the
20 amount in the schedule under s. 20.370 (6) (ak).

21 **SECTION 579.** 20.505 (8) (hm) 17e. of the statutes is created to read:

22 20.505 (8) (hm) 17e. The amount transferred to s. 20.370 (6) (dk) shall be the
23 amount in the schedule under s. 20.370 (6) (dk).

24 **SECTION 580.** 20.505 (8) (hm) 17g. of the statutes is created to read:

SENATE BILL 45**SECTION 580**

1 20.505 (8) (hm) 17g. The amount transferred to s. 20.370 (6) (ck) shall be the
2 amount in the schedule under s. 20.370 (6) (ck).

3 **SECTION 581.** 20.505 (8) (hm) 17g. of the statutes, as created by 1999 Wisconsin
4 Act (this act), is repealed.

5 **SECTION 582.** 20.505 (8) (hm) 18. of the statutes is created to read:

6 20.505 (8) (hm) 18. The amount transferred to s. 20.435 (4) (kb) shall be the
7 amount in the schedule under s. 20.435 (4) (kb).

8 **SECTION 583.** 20.505 (8) (hm) 18b. of the statutes is created to read:

9 20.505 (8) (hm) 18b. The amount transferred to s. 20.435 (5) (ke) shall be the
10 amount in the schedule under s. 20.435 (5) (ke).

11 **SECTION 584.** 20.505 (8) (hm) 18c. of the statutes is created to read:

12 20.505 (8) (hm) 18c. The amount transferred to s. 20.435 (7) (kL) shall be the
13 amount in the schedule under s. 20.435 (7) (kL).

14 **SECTION 585.** 20.505 (8) (hm) 18d. of the statutes is created to read:

15 20.505 (8) (hm) 18d. The amount transferred to s. 20.435 (7) (km) shall be the
16 amount in the schedule under s. 20.435 (7) (km).

17 **SECTION 586.** 20.505 (8) (hm) 18e. of the statutes is created to read:

18 20.505 (8) (hm) 18e. The amount transferred to s. 20.445 (5) (kg) shall be the
19 amount in the schedule under s. 20.445 (5) (kg).

20 **SECTION 587.** 20.505 (9) of the statutes is renumbered 20.585 (2) and amended
21 to read:

22 20.585 (2) COLLEGE TUITION PREPAYMENT PROGRAM. (a) *Administrative expenses;*
23 *initial funds general fund.* ~~As a continuing appropriation, the~~ The amounts in the
24 schedule for the administrative expenses of the college tuition prepayment program
25 under s. ~~16.24~~ 14.63, including the expense of promoting the program.

SENATE BILL 45**SECTION 587**

1 (q) *Payment of tuition.* From the tuition trust fund, a sum sufficient for the
2 payment of tuition under s. ~~16.24~~ 14.63 (5).

3 (r) *Payment of refunds.* From the tuition trust fund, a sum sufficient for the
4 payment of refunds under s. ~~16.24~~ 14.63 (7).

5 (s) *Administrative expenses; tuition trust fund.* From the tuition trust fund, the
6 amounts in the schedule for the administrative expenses of the college tuition
7 prepayment program under s. ~~16.24~~ 14.63, including the expense of promoting the
8 program.

9 **SECTION 588.** 20.507 (1) (h) of the statutes is amended to read:

10 20.507 (1) (h) *Trust lands and investments — general program operations.* The
11 amounts in the schedule for the general program operations of the board as provided
12 under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1). ~~Ninety percent of all~~ All amounts
13 deducted from the gross receipts of the appropriate funds as provided under ss. 24.04,
14 24.09 (1) (bm), 24.53 and 24.62 (1) shall be credited to this appropriation account.
15 Notwithstanding s. 20.001 (3) (a), the unencumbered balance at the end of each fiscal
16 year shall be transferred to the trust funds, as defined under s. 24.60 (5). The amount
17 transferred to each trust fund, as defined under s. 24.60 (5), shall bear the same
18 proportion to the total amount transferred to the trust funds that the gross receipts
19 of that trust fund bears to the total gross receipts credited to this appropriation
20 account during that fiscal year.

21 **SECTION 589.** 20.510 (1) (c) of the statutes is created to read:

22 20.510 (1) (c) *Legislative and special election account supplement.* The amounts
23 in the schedule to be transferred to the legislative and special election campaign
24 account of the Wisconsin election campaign fund annually on September 1.

25 **SECTION 590.** 20.512 (1) (k) of the statutes is created to read:

SENATE BILL 45**SECTION 590**

1 20.512 (1) (k) *Funds received from other state agencies.* All moneys received
2 from other state agencies for the purpose of providing employment services and
3 materials to state agencies.

4 **SECTION 591.** 20.512 (1) (kg) of the statutes is created to read:

5 20.512 (1) (kg) *Interagency projects; state operations.* The amounts in the
6 schedule to be expended in conformity with the purposes and requirements agreed
7 to by the department. All moneys received from state agencies shall be credited to
8 this appropriation account.

9 **SECTION 592.** 20.525 (1) (i) of the statutes is amended to read:

10 20.525 (1) (i) *Gifts and grants.* All moneys received from gifts, grants, and
11 ~~bequests and devises for the advocacy activities under s. 14.19,~~ to carry out the
12 purposes for which made and received.

13 **SECTION 593.** 20.525 (1) (kb) of the statutes is created to read:

14 20.525 (1) (kb) *Assistance from state agencies.* All moneys received from state
15 agencies pursuant to arrangements under s. 14.18 to assist the governor in carrying
16 out his or her responsibilities.

17 **SECTION 594.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (kj) and
18 amended to read:

19 20.550 (1) (kj) *Conferences and training.* The amounts in the schedule to
20 sponsor conferences and training under ch. 977. All moneys received transferred
21 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
22 appropriation account under s. ~~165.87 (1) (br)~~ 20.505 (6) (j) 15. shall be credited to
23 this appropriation account.

24 **SECTION 595.** 20.566 (1) (q) of the statutes is repealed.

25 **SECTION 596.** 20.566 (3) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 596**

1 20.566 (3) (a) *General program operations*. The amounts in the schedule for
2 the office of the secretary, the legal staff, stenographic reporter services, the research
3 and analysis division and the administrative services division and for space rental.

4 **SECTION 597.** 20.566 (8) (q) of the statutes is amended to read:

5 20.566 (8) (q) *General program operations*. From the lottery fund, the amounts
6 in the schedule for general program operations under ch. 565. ~~Annually, of the~~
7 ~~moneys appropriated under this paragraph, an amount equal to 36% of the amount~~
8 ~~in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation~~
9 ~~account under s. 20.435 (7) (kg).~~

10 **SECTION 598.** 20.585 (1) (kb) of the statutes is amended to read:

11 20.585 (1) (kb) *General program operations*. From moneys transferred from
12 the appropriation account under s. 20.505 (1) (kj) (ka), the amounts in the schedule
13 for the custody of state funds.

14 **SECTION 599.** 20.625 (1) (km) of the statutes is repealed.

15 **SECTION 600.** 20.660 (1) (k) of the statutes is repealed.

16 **SECTION 601.** 20.665 (1) (d) of the statutes is created to read:

17 20.665 (1) (d) *General program operations; judicial council*. The amounts in
18 the schedule for the general program operations of the judicial council.

19 **SECTION 602.** 20.680 (1) (km) of the statutes is repealed.

20 **SECTION 603.** 20.680 (2) (h) of the statutes is amended to read:

21 20.680 (2) (h) *Materials and services*. The amounts in the schedule to provide
22 ~~services and replace inventory items under s. 758.19 (2).~~ All moneys received from
23 providing these services and selling documents under s. 758.19 (2) shall be credited
24 to this appropriation to provide services and sell documents related to uniform forms,
25 special reports, photocopies and pamphlets under s. 758.19 (2).

SENATE BILL 45**SECTION 604**

1 **SECTION 604.** 20.680 (2) (i) of the statutes is amended to read:

2 20.680 (2) (i) *Municipal judge training.* ~~The amounts in the schedule for~~
3 ~~municipal judge training.~~ All moneys received from municipalities for municipal
4 judge training programs ~~shall be credited to this appropriation to be used for~~
5 municipal judge training.

6 **SECTION 605.** 20.680 (2) (j) of the statutes is amended to read:

7 20.680 (2) (j) *Court information systems and interpreters.* ~~The amounts in the~~
8 ~~schedule for the operation of circuit court automated systems under s. 758.19 (4), the~~
9 ~~court of appeals automated information system and the supreme court automated~~
10 ~~information system and for the payment of interpreter fees under s. 885.37 (4) (a) 2.~~
11 All moneys received under ss. 814.61, 814.62 and 814.63 that are required to be
12 credited to this appropriation account under those sections and ~~two-sevenths~~
13 four-ninths of the moneys received under s. 814.635 (1) ~~shall be credited to this~~
14 ~~appropriation account.~~ ~~The supreme court may transfer moneys from this~~
15 ~~appropriation account to the appropriation accounts under sub. (1) (km) and ss.~~
16 20.625 (1) (km) and 20.660 (1) (k) for the operation of circuit court automated systems
17 under s. 758.19 (4), the court of appeals automated information system and the
18 supreme court automated information system and for the payment of interpreter
19 fees under s. 885.37 (4) (a) 2.

20 **SECTION 606.** 20.680 (4) (g) of the statutes is amended to read:

21 20.680 (4) (g) *Library collections and services.* ~~The amounts in the schedule for~~
22 ~~photocopying and microfilm copying of documents, generation of copies of documents~~
23 ~~from optical disk or electronic storage, publication of books, computer services and~~
24 ~~other services provided by the state law library in carrying out its functions.~~ All
25 moneys received by the library as fees or other charges for photocopying, microfilm

SENATE BILL 45**SECTION 606**

1 copying, generation of copies of documents from optical disk or electronic storage,
2 computer services, sales of books and other services provided in carrying out the
3 functions of the library under s. 758.01 (2) ~~shall be credited to this appropriation to~~
4 provide photocopying and microfilm copying of documents, generation of copies of
5 documents from optical disk or electronic storage, publication of books, computer
6 services and other services.

7 **SECTION 607.** 20.765 (3) (km) of the statutes is created to read:

8 20.765 (3) (km) *Computer networking.* All moneys received by the legislative
9 technology services bureau from state agencies under s. 13.96 (3) for the installation
10 and servicing of computer networking equipment, to be used for the purchase and
11 installation of such equipment and to provide related maintenance and support
12 services.

13 **SECTION 608.** 20.835 (2) (dm) of the statutes is amended to read:

14 20.835 (2) (dm) *Farmland preservation credit.* A sum sufficient to pay the
15 aggregate claims of the farmland preservation credit approved under ~~subch. IX of ch.~~
16 ~~71~~ ss. 71.59 and 71.60.

17 **SECTION 609.** 20.835 (2) (dp) of the statutes is created to read:

18 20.835 (2) (dp) *Farmland preservation acreage credit.* A sum sufficient to pay
19 the aggregate claims of the farmland preservation acreage credit approved under ss.
20 71.59 and 71.605.

21 **SECTION 610.** 20.835 (2) (ep) of the statutes is amended to read:

22 20.835 (2) (ep) *Cigarette and tobacco product tax refunds.* A sum sufficient to
23 pay refunds under ss. 139.323 ~~and~~, 139.325, 139.803 and 139.805.

24 **SECTION 611.** 20.835 (2) (f) of the statutes is amended to read:

SENATE BILL 45**SECTION 611**

1 20.835 (2) (f) *Earned income tax credit*. A sum sufficient to pay the claims
2 approved under s. 71.07 (9e), ~~except the claims paid under par. (k)~~.

3 **SECTION 612.** 20.835 (2) (k) of the statutes, as created by 1997 Wisconsin Act
4 27, is repealed.

5 **SECTION 613.** 20.835 (4) (g) of the statutes is amended to read:

6 20.835 (4) (g) *County taxes*. All moneys received from the taxes imposed under
7 s. 77.70 for distribution to the counties that enact an ordinance imposing taxes under
8 that section and for interest payments on refunds under s. 77.76 (3), except that ~~1.5%~~
9 1.75% of those tax revenues collected under that section shall be credited to the
10 appropriation account under s. 20.566 (1) (g).

11 **SECTION 614.** 20.865 (1) (cb) of the statutes is created to read:

12 20.865 (1) (cb) *Pay rate or range adjustments*. The amounts in the schedule to
13 supplement the appropriations to the departments of corrections and health and
14 family services for the increased costs of compensation, as determined by the
15 secretary of administration, for employes of the departments of corrections and
16 health and family services who perform duties relating to the supervision of inmates
17 or residents and who received pay rate or range adjustments in 1999 under s. 230.09
18 (2) (b).

19 **SECTION 615.** 20.865 (1) (cb) of the statutes, as created by 1999 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 616.** 20.865 (1) (e) of the statutes is created to read:

22 20.865 (1) (e) *Additional biweekly payroll*. The amounts in the schedule to pay
23 salary and fringe benefit costs incurred during the 27th pay period in any fiscal year
24 in which such a period occurs for employment of permanent state employes,
25 including permanent project employes, on the biweekly payroll system.

SENATE BILL 45**SECTION 617**

1 **SECTION 617.** 20.865 (1) (e) of the statutes, as created by 1999 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 618.** 20.865 (1) (ib) of the statutes is created to read:

4 20.865 (1) (ib) *Pay rate or range adjustments; program revenues.* From the
5 appropriate program revenue and program revenue–service accounts, the amounts
6 in the schedule to supplement the appropriations to the departments of corrections
7 and health and family services for the increased costs of compensation, as
8 determined by the secretary of administration, for employes of the departments of
9 corrections and health and family services who perform duties relating to the
10 supervision of inmates or residents and who received pay rate or range adjustments
11 in 1999 under s. 230.09 (2) (b).

12 **SECTION 619.** 20.865 (1) (ib) of the statutes, as created by 1999 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 620.** 20.865 (1) (jm) of the statutes is created to read:

15 20.865 (1) (jm) *Additional biweekly payroll; nonfederal program revenues.*
16 From the appropriate nonfederal program revenue and program revenue–service
17 accounts, a sum sufficient to pay salary and fringe benefit costs incurred during the
18 27th pay period in any fiscal year in which such a period occurs for employment of
19 permanent state employes, including permanent project employes, on the biweekly
20 payroll system.

21 **SECTION 621.** 20.865 (1) (jm) of the statutes, as created by 1999 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 622.** 20.865 (1) (m) of the statutes is created to read:

24 20.865 (1) (m) *Additional biweekly payroll; federal program revenues.* From
25 the appropriate federal program revenue accounts, a sum sufficient to pay salary and

SENATE BILL 45**SECTION 622**

1 fringe benefit costs incurred during the 27th pay period in any fiscal year in which
2 such a period occurs for employment of permanent state employes, including
3 permanent project employes, on the biweekly payroll system.

4 **SECTION 623.** 20.865 (1) (m) of the statutes, as created by 1999 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 624.** 20.865 (1) (tm) of the statutes is created to read:

7 20.865 (1) (tm) *Additional biweekly payroll; nonfederal segregated revenues.*

8 From the appropriate segregated funds derived from nonfederal segregated
9 revenues, a sum sufficient to pay salary and fringe benefit costs incurred during the
10 27th pay period in any fiscal year in which such a period occurs for employment of
11 permanent state employes, including permanent project employes, on the biweekly
12 payroll system.

13 **SECTION 625.** 20.865 (1) (tm) of the statutes, as created by 1999 Wisconsin Act
14 (this act), is repealed.

15 **SECTION 626.** 20.865 (1) (x) of the statutes is created to read:

16 20.865 (1) (x) *Additional biweekly payroll; federal segregated revenues.* From
17 the appropriate segregated funds derived from federal segregated revenues, a sum
18 sufficient to pay salary and fringe benefit costs incurred during the 27th pay period
19 in any fiscal year in which such a period occurs for employment of permanent state
20 employes, including permanent project employes, on the biweekly payroll system.

21 **SECTION 627.** 20.865 (1) (x) of the statutes, as created by 1999 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 628.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
24 27, section 727, is amended to read:

SENATE BILL 45**SECTION 628**

1 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
2 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
3 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),
4 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) ~~and~~, (kd)
5 ~~and (km)~~ and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar),
6 (at), (ba), (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410
7 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f)
8 and (go), (3) (t) and (4) (qm), 20.505 (5) (c), ~~(d)~~, (g) ~~and~~, ~~(h)~~ ~~and~~ (kc) and 20.867 (1) (a)
9 and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest
10 on public debt contracted under subchs. I and IV of ch. 18.

11 **SECTION 629.** 20.866 (2) (t) of the statutes is amended to read:

12 20.866 (2) (t) *University of Wisconsin; self-amortizing facilities.* From the
13 capital improvement fund, a sum sufficient for the board of regents of the university
14 of Wisconsin system to acquire, construct, develop, enlarge or improve university
15 self-amortizing educational facilities. The state may contract public debt in an
16 amount not to exceed ~~\$438,248,600~~ \$441,248,600 for this purpose. Of this amount,
17 \$4,500,000 is allocated only for the university of Wisconsin–Madison indoor practice
18 facility for athletic programs and only at the time that ownership of the facility is
19 transferred to the state.

20 **SECTION 630.** 20.866 (2) (td) of the statutes is amended to read:

21 20.866 (2) (td) *Safe drinking water loan program.* From the capital
22 improvement fund, a sum sufficient to be transferred to the environmental
23 improvement fund for the safe drinking water loan program under s. 281.61. The
24 state may contract public debt in an amount not to exceed ~~\$12,130,000~~ \$16,000,000
25 for this purpose.

SENATE BILL 45**SECTION 631**

1 **SECTION 631.** 20.866 (2) (te) of the statutes is amended to read:

2 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital
3 improvement fund, a sum sufficient for the department of natural resources to
4 provide funds for nonpoint source water pollution abatement projects under ss.
5 281.16 (5) and 281.65. The state may contract public debt in an amount not to exceed
6 ~~\$34,363,600~~ \$48,763,600 for this purpose. Of this amount, ~~\$2,000,000~~ \$4,000,000
7 may only be used for projects selected under s. 281.65 (4c) (c) after July 1, 1998.

8 **SECTION 632.** 20.866 (2) (tf) of the statutes is amended to read:

9 20.866 (2) (tf) *Natural resources; nonpoint source compliance.* From the capital
10 improvement fund, a sum sufficient for the department of natural resources to fund
11 cost-sharing grants under s. 281.16 (5) for projects to assist agricultural facilities to
12 comply with the performance standards, prohibitions, conservation practices and
13 technical standards under s. 281.16 (3) and, before any rules promulgated under s.
14 281.16 (3) take effect, to fund nonpoint source water pollution abatement projects
15 under s. 281.65. The state may contract public debt in an amount not to exceed
16 ~~\$2,000,000~~ \$4,000,000 for this purpose.

17 **SECTION 633.** 20.866 (2) (tL) of the statutes is amended to read:

18 20.866 (2) (tL) *Natural resources; segregated revenue supported dam*
19 *~~maintenance, repair, modification, abandonment and removal~~ safety projects.* From
20 the capital improvement fund, a sum sufficient for the department of natural
21 resources to provide financial assistance to counties, cities, villages, towns and
22 public inland lake protection and rehabilitation districts ~~in conducting for~~ dam
23 ~~maintenance, repair, modification, abandonment and removal~~ safety projects under
24 s. 31.385. The state may contract public debt in an amount not to exceed \$6,350,000
25 for this purpose.

SENATE BILL 45**SECTION 634**

1 **SECTION 634.** 20.866 (2) (tx) of the statutes is amended to read:

2 20.866 (2) (tx) *Natural resources; dam maintenance, repair, modification,*
3 *abandonment and removal safety projects.* From the capital improvement fund, a
4 sum sufficient for the department of natural resources to provide financial
5 assistance to counties, cities, villages, towns and public inland lake protection and
6 rehabilitation districts ~~in conducting for dam maintenance, repair, modification,~~
7 ~~abandonment and removal~~ safety projects under s. 31.385. The state may contract
8 public debt in an amount not to exceed \$5,500,000 for this purpose.

9 **SECTION 635.** 20.866 (2) (uv) of the statutes is amended to read:

10 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
11 improvement fund, a sum sufficient for the department of transportation to provide
12 grants for harbor improvements. The state may contract public debt in an amount
13 not to exceed ~~\$15,000,000~~ \$18,000,000 for this purpose.

14 **SECTION 636.** 20.866 (2) (uw) of the statutes is amended to read:

15 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
16 capital improvement fund, a sum sufficient for the department of transportation to
17 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
18 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
19 The state may contract public debt in an amount not to exceed ~~\$19,000,000~~
20 \$23,500,000 for these purposes.

21 **SECTION 637.** 20.866 (2) (we) of the statutes is amended to read:

22 20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement
23 fund, a sum sufficient for the department of agriculture, trade and consumer
24 protection to provide for soil and water resource management under s. 92.14. The

SENATE BILL 45**SECTION 637**

1 state may contract public debt in an amount not to exceed \$3,000,000 \$6,575,000 for
2 this purpose.

3 **SECTION 638.** 20.866 (2) (ws) of the statutes is created to read:

4 20.866 (2) (ws) *Administration; educational communications facilities.* From
5 the capital improvement fund, a sum sufficient for the department of administration
6 to acquire, construct, develop, enlarge or improve educational communications
7 facilities. Unless the secretary of administration first determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, no
11 moneys may be encumbered or public debt contracted under this paragraph. If the
12 secretary of administration determines that the transfer of licenses has been
13 approved, on and after the effective date of the last license transferred [revisor
14 inserts date], the state may, for the purpose of this appropriation, contract public
15 debt in an amount not to exceed \$8,354,100 less any amount contracted on behalf of
16 the former educational communications board before the effective date of the last
17 license transferred [revisor inserts date].

18 **SECTION 639.** 20.866 (2) (zc) of the statutes is amended to read:

19 20.866 (2) (zc) *Technology for educational achievement in Wisconsin board;*
20 *school district educational technology infrastructure loans financial assistance.*
21 From the capital improvement fund, a sum sufficient for the technology for
22 educational achievement in Wisconsin board to ~~make subsidized~~ provide educational
23 technology infrastructure loans financial assistance to school districts under s. 44.72
24 (4). The state may contract public debt in an amount not to exceed \$100,000,000 for
25 this purpose.

SENATE BILL 45**SECTION 640**

1 **SECTION 640.** 20.866 (2) (zcm) of the statutes is amended to read:

2 20.866 (2) (zcm) *Technology for educational achievement in Wisconsin board;*
3 *public library educational technology infrastructure loans financial assistance.*
4 From the capital improvement fund, a sum sufficient for the technology for
5 educational achievement in Wisconsin board to ~~make subsidized~~ provide educational
6 technology infrastructure loans financial assistance to public library boards under
7 s. 44.72 (4). The state may contract public debt in an amount not to exceed
8 \$10,000,000 for this purpose.

9 **SECTION 641.** 20.866 (2) (zd) of the statutes is amended to read:

10 20.866 (2) (zd) *Educational communications board; educational*
11 *communications facilities.* From the capital improvement fund, a sum sufficient for
12 the educational communications board to acquire, construct, develop, enlarge or
13 improve educational communications facilities. The state may contract public debt
14 in an amount not to exceed \$8,354,100 for this purpose. If the secretary of
15 administration determines that the federal communications commission has
16 approved the transfer of all broadcasting licenses held by the educational
17 communications board and the board of regents of the University of Wisconsin
18 System to the corporation described under s. 39.81, on and after the effective date
19 of the last license transferred [revisor inserts date], the state may not contract
20 public debt under this paragraph.

21 **SECTION 642.** 20.866 (2) (zn) of the statutes is amended to read:

22 20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans.* From the
23 capital improvement fund, a sum sufficient for the department of veterans affairs for
24 loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an
25 amount not to exceed ~~\$1,807,500,000~~ \$1,918,000,000 for this purpose.

SENATE BILL 45**SECTION 643**

1 **SECTION 643.** 20.867 (3) (h) of the statutes is amended to read:

2 20.867 (3) (h) *Principal repayment, interest and rebates.* A sum sufficient to
3 guarantee full payment of principal and interest costs for self-amortizing or
4 partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (2) (j),
5 20.285 (1) ~~(kd)~~ and (ih), (kd) and (km), 20.370 (7) (eq) and 20.485 (1) (go) if moneys
6 available in those appropriations are insufficient to make full payment, and to make
7 full payment of the amounts determined by the building commission under s. 13.488
8 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) ~~(kd)~~ or (ih),
9 (kd) or (km) or 20.485 (1) (go) is insufficient to make full payment of those amounts.
10 All amounts advanced under the authority of this paragraph shall be repaid to the
11 general fund whenever the balance of the appropriation for which the advance was
12 made is sufficient to meet any portion of the amount advanced. The department of
13 administration may take whatever action is deemed necessary including the making
14 of transfers from program revenue appropriations and corresponding appropriations
15 from program receipts in segregated funds and including actions to enforce
16 contractual obligations that will result in additional program revenue for the state,
17 to ensure recovery of the amounts advanced.

18 **SECTION 644.** 20.903 (2) (b) of the statutes is amended to read:

19 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys
20 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and
21 (es) and 20.505 (1) (im), (ka), ~~(kb)~~, and (kc) and ~~(kd)~~ in an additional amount not
22 exceeding the depreciated value of equipment for operations financed under ss.
23 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), ~~(kb)~~, and (kc)
24 and ~~(kd)~~. The secretary of administration may require such statements of assets and

SENATE BILL 45**SECTION 644**

1 liabilities as he or she deems necessary before approving expenditure estimates in
2 excess of the unexpended moneys in the appropriation account.

3 **SECTION 645.** 20.912 (4) of the statutes is amended to read:

4 20.912 (4) INSOLVENT DEPOSITORIES. When the bank, savings and loan
5 association, savings bank or credit union on which any check, share draft or other
6 draft is drawn by the state treasurer before payment of such check, share draft or
7 other draft becomes insolvent or is taken over by the division of banking, division of
8 savings and loan institutions, the federal home loan bank board, the U.S. office of
9 thrift supervision, the federal deposit insurance corporation, the resolution trust
10 corporation, the office of credit unions, the administrator of federal credit unions or
11 the U.S. comptroller of the currency, the state treasurer shall on the demand of the
12 person in whose favor such check, share draft or other draft was drawn and upon the
13 return to the treasurer of such check, share draft or other draft issue a replacement
14 for the same amount.

15 **SECTION 646.** 20.923 (4) (c) 5. of the statutes is created to read:

16 20.923 (4) (c) 5. Governor's work-based learning board: executive director.

17 **SECTION 647.** 20.923 (4) (e) 1e. of the statutes is amended to read:

18 20.923 (4) (e) 1e. Educational communications board: executive director. If the
19 secretary of administration determines that the federal communications
20 commission has approved the transfer of all broadcasting licenses held by the
21 educational communications board and the board of regents of the University of
22 Wisconsin System to the corporation described under s. 39.81, this subdivision does
23 not apply on and after the effective date of the last license transferred [revisor
24 inserts date].

25 **SECTION 648.** 20.923 (6) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 648**

1 20.923 (6) (b) Educational communications board: unclassified professional
2 staff. If the secretary of administration determines that the federal communications
3 commission has approved the transfer of all broadcasting licenses held by the
4 educational communications board and the board of regents of the University of
5 Wisconsin System to the corporation described under s. 39.81, this paragraph does
6 not apply on and after the effective date of the last license transferred [revisor
7 inserts date].

8 **SECTION 649.** 20.923 (17) of the statutes is repealed.

9 **SECTION 650.** 20.927 (1) of the statutes is amended to read:

10 20.927 (1) Except as provided under subs. (2) and (3), no funds of this state or
11 of any county, city, village ~~or~~, town or family care district under s. 46.2895 or of any
12 subdivision or agency of this state or of any county, city, village or town and no federal
13 funds passing through the state treasury shall be authorized for or paid to a
14 physician or surgeon or a hospital, clinic or other medical facility for the performance
15 of an abortion.

16 **SECTION 651.** 20.9275 (1) (b) of the statutes is amended to read:

17 20.9275 (1) (b) "Local governmental unit" means a city, village, town ~~or~~, county
18 or family care district under s. 46.2895 or an agency or subdivision of a city, village,
19 town or county.

20 **SECTION 652.** 20.9275 (2) (intro.) of the statutes is amended to read:

21 20.9275 (2) (intro.) No state agency or local governmental unit may authorize
22 payment of funds of this state, of any local governmental unit or, subject to sub. (3m),
23 of federal funds passing through the state treasury as a grant, subsidy or other
24 funding that wholly or partially or directly or indirectly involves pregnancy
25 programs, projects or services, that is a grant, subsidy or other funding under s.

SENATE BILL 45**SECTION 652**

1 46.93, ~~46.995, 46.997~~ 46.99, 253.05, 253.07, 253.08 or 253.085 or 42 USC 701 to 710,
2 if any of the following applies:

3 **SECTION 653.** 20.930 of the statutes is amended to read:

4 **20.930 Attorney fees.** ~~No~~ Except as provided in ss. 46.27 (7g) (h), 49.496 (3)
5 (f) and 49.682 (6), no state agency in the executive branch may employ any attorney
6 until such employment has been approved by the governor.

7 **SECTION 654.** 21.11 (1) of the statutes is amended to read:

8 21.11 (1) In case of war, insurrection, rebellion, riot, invasion, or resistance to
9 the execution of the laws of this state, or of the United States, ~~or;~~ in the event of public
10 disaster resulting from flood, conflagration or tornado, when the governor considers
11 the call to active service necessary for the protection of persons or property; or upon
12 application of any marshal of the United States, the president of any village, the
13 mayor of any city, the chairperson of any town board, or any sheriff in this state, the
14 governor may order into active service all or any portion of the national guard. If the
15 governor is absent, or cannot be immediately communicated with, any such civil
16 officer may, if the officer deems the occasion so urgent, make such application, which
17 shall be in writing, to the commanding officers of any company, battalion or regiment,
18 who may upon approval of the adjutant general, if the danger is great and imminent,
19 order out that officer's command to the aid of such civil officer. Such order shall be
20 delivered to the commanding officer, who shall immediately communicate the order
21 to each, and every subordinate officer, and every company commander receiving the
22 same shall immediately communicate the substance thereof to each member of the
23 company, or if any such member cannot be found, a notice in writing containing the
24 substance of such order shall be left at the last and usual place of residence of such

SENATE BILL 45**SECTION 654**

1 member with some person of suitable age and discretion, to whom its contents shall
2 be explained.

3 **SECTION 655.** 21.25 (1) of the statutes is amended to read:

4 21.25 (1) The department of military affairs shall administer the Badger
5 Challenge program for disadvantaged youth who are members of families eligible to
6 receive temporary assistance for needy families under 42 USC 601 et seq. The
7 department of military affairs shall promulgate rules for administering the Badger
8 Challenge program.

9 **SECTION 656.** 21.49 (2) (e) of the statutes is amended to read:

10 21.49 (2) (e) Delinquent in child support or maintenance payments and who
11 does not owe past support, medical expenses or birth expenses, as established by the
12 receipt by the department of a certification under s. 49.855 (7) appearance of the
13 guard member's name on the statewide support lien docket under s. 49.854 (2) (b),
14 unless the guard member provides to the department a payment agreement that has
15 been approved by the county child support agency under s. 59.53 (5) and that is
16 consistent with rules promulgated under s. 49.858 (2) (a).

17 **SECTION 657.** 23.09 (2) (d) (intro.) of the statutes is amended to read:

18 23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or
19 agreement, and receive by gifts or devise, lands or waters suitable for the purposes
20 enumerated in this paragraph, and maintain such lands and waters for such
21 purposes; ~~and may condemn lands or waters suitable for such purposes after~~
22 ~~obtaining approval of the appropriate standing committees of each house of the~~
23 ~~legislature as determined by the presiding officer thereof:~~

24 **SECTION 658.** 23.09 (2) (d) 3m. of the statutes is created to read:

25 23.09 (2) (d) 3m. For state natural resources areas.

SENATE BILL 45**SECTION 659**

1 **SECTION 659.** 23.09 (2) (d) 8. of the statutes is amended to read:

2 23.09 **(2)** (d) 8. For state natural areas as authorized under s. 23.27 (4) and for
3 state natural areas as authorized under s. 23.27 (5) ~~except that land may not be~~
4 ~~acquired through condemnation under the authority of s. 23.27 (5).~~

5 **SECTION 660.** 23.09 (2p) (a) of the statutes is amended to read:

6 23.09 **(2p)** (a) The department shall determine the value of land donated to the
7 department that is within the project boundaries of a state park, a state forest or, a
8 state recreation area or a state natural resources area. If the donation involves the
9 transfer of the title in fee simple absolute or other arrangement for the transfer of
10 all interest in the land to the state, the valuation shall be based on the fair market
11 value of the land before the transfer. If the donation is a dedication transferring a
12 partial interest in land to the state, the valuation shall be based on the extent to
13 which the fair market value of the land is diminished by that transfer and the
14 associated articles of dedication. If the donation involves a sale of land to the
15 department at less than the fair market value, the valuation of the donation shall
16 be based on the difference between the purchase price and the fair market value.

17 **SECTION 661.** 23.09 (26) (am) 2. of the statutes is amended to read:

18 23.09 **(26)** (am) 2. Enter into agreements with the department to use for
19 snowmobile trails, facilities or areas lands owned or leased by the department. ~~No~~
20 ~~lands of the department to be used for snowmobiling purposes within the meaning~~
21 ~~of this subsection may be obtained through condemnation.~~

22 **SECTION 662.** 23.0912 of the statutes is created to read:

23 **23.0912 State natural resources areas.** The department may designate,
24 acquire, develop, operate and maintain state natural resources areas for the purpose
25 of conserving the state's natural resources. The department may allow various

SENATE BILL 45**SECTION 662**

1 resource management and recreational uses within the boundaries of these areas.

2 The recreational uses may include hunting and fishing.

3 **SECTION 663.** 23.0915 (2t) of the statutes is created to read:

4 23.0915 (2t) STATE PARK FOR THE CITY OF MILWAUKEE. (a) Subject to par. (b), from
5 the appropriation under s. 20.866 (2) (tz), the department shall expend the moneys
6 necessary for all of the following for a state park which will provide access to Lake
7 Michigan from the city of Milwaukee:

8 1. Studies and plans for the establishment and development of the state park.

9 2. Development of the state park.

10 (b) The department may not expend more than \$500,000 for the study and plan
11 under par. (a).

12 (c) For purposes of sub. (1), moneys expended under par. (a) shall be treated as
13 moneys expended for general property development.

14 **SECTION 664.** 23.0917 of the statutes is created to read:

15 **23.0917 Natural resources land endowment fund.** (1) In this section,
16 "land" includes any buildings, facilities or other structures located on the land.

17 (2) Unless the natural resources board determines otherwise in a specific case,
18 only the income from the gifts, grants or bequests in the fund is available for
19 expenditure. The natural resources board may authorize expenditures only for
20 preserving, developing, managing or maintaining land under the jurisdiction of the
21 department that is used for any of the purposes specified in s. 23.09 (2) (d). In this
22 subsection, unless otherwise provided in a gift, grant or bequest, principal and
23 income are determined as provided under s. 701.20 (3).

24 **SECTION 665.** 23.094 (2) (c) 3. of the statutes is repealed.

25 **SECTION 666.** 23.14 of the statutes is amended to read:

SENATE BILL 45**SECTION 666**

1 **23.14 Approval required before new lands acquired.** Prior to the initial
2 acquisition of any lands by the department after July 1, 1977, for any new facility or
3 project, the proposed initial acquisition shall be submitted to the governor for his or
4 her approval. New facilities or projects include, without limitation because of
5 enumeration, state parks, state forests, state natural resources areas, recreation
6 areas, public shooting, trapping or fishing grounds or waters, fish hatcheries, game
7 farms, forest nurseries, experimental stations, endangered species preservation
8 areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle
9 trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower
10 Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

11 **SECTION 667.** 23.15 (4) of the statutes is amended to read:

12 **23.15 (4)** Said natural resources board effecting the sale of any such lands and
13 structures shall, upon receiving payment therefor, deposit the funds in the
14 conservation fund to be used exclusively for the purpose of purchasing other areas
15 of land for the creating and establishing of public hunting and fishing grounds, state
16 natural resources areas, wildlife and fish refuges and state parks and for land in the
17 lower Wisconsin state riverway as defined in s. 30.40 (15).

18 **SECTION 668.** 23.16 (3) of the statutes is renumbered 23.16 (3) (intro.) and
19 amended to read:

20 **23.16 (3) SUBSCRIBER LISTS.** (intro.) The department may refuse to reveal
21 names and addresses of persons on any magazine or periodical subscriber list. The
22 department may charge a fee to recover the actual costs for providing or for the use
23 of any magazine or periodical subscriber list. No person who obtains or uses any
24 magazine or periodical subscriber list from the department may refer to the
25 department, the magazine or the periodical as the source of names or addresses

SENATE BILL 45**SECTION 668**

1 unless the person clearly ~~indicates~~ states that the provision of, or permission to use,
2 the subscriber list in no way indicates ~~the~~ any of the following:

3 (a) ~~The~~ department's ~~knowledge, involvement, approval, authorization or~~
4 connection with the person or the person's activities.

5 **SECTION 669.** 23.16 (3) (b) of the statutes is created to read:

6 23.16 (3) (b) The department's knowledge, approval or authorization of the
7 person's activities.

8 **SECTION 670.** 23.165 (4) of the statutes is renumbered 23.165 (4) (intro.) and
9 amended to read:

10 23.165 (4) SUBSCRIBER LISTS. (intro.) Notwithstanding s. 19.35, the department
11 may refuse to reveal names and addresses of persons on any publication subscriber
12 list. The department may charge a fee to recover the actual costs for providing or for
13 the use of a publication subscriber list. No person who obtains or uses a publication
14 subscriber list from the department may refer to the department or the publication
15 as the source of names or addresses unless the person clearly ~~indicates~~ states that
16 the provision of, or permission to use, the subscriber list in no way indicates ~~the~~ any
17 of the following:

18 (a) ~~The~~ department's ~~knowledge, involvement, approval, authorization or~~
19 connection with the person or the person's activities.

20 **SECTION 671.** 23.165 (4) (b) of the statutes is created to read:

21 23.165 (4) (b) The department's knowledge, approval or authorization of the
22 person's activities.

23 **SECTION 672.** 23.27 (5) of the statutes is amended to read:

24 23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN
25 NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate

SENATE BILL 45**SECTION 672**

1 additional natural areas land acquisition activities with moneys available from the
2 appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the
3 Wisconsin natural areas heritage program. This commitment is separate from and
4 in addition to the continuing commitment under sub. (4). ~~Moneys available from the~~
5 ~~appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the~~
6 ~~Wisconsin natural areas heritage program may not be used to acquire land through~~
7 ~~condemnation.~~ The department may not acquire land under this subsection unless
8 the land is suitable for dedication under the Wisconsin natural areas heritage
9 program and upon purchase or as soon after purchase as practicable the department
10 shall take all necessary action to dedicate the land under the Wisconsin natural
11 areas heritage program. Except as provided in s. 23.0915 (2), the department may
12 not expend under s. 20.866 (2) (tz) more than \$500,000 in each fiscal year for natural
13 areas land acquisition activities under this subsection and for grants for this purpose
14 under s. 23.096.

15 **SECTION 673.** 23.322 of the statutes is created to read:

16 **23.322 Fees for computer accessible water resource management**
17 **information.** The department may charge a fee for providing any information that
18 that it maintains in a format that may be accessed by computer concerning the
19 waters of this state, including maps and other water resource management
20 information.

21 **SECTION 674.** 23.33 (1) (g) of the statutes is created to read:

22 23.33 (1) (g) "Expedited service" means the process under which a person is
23 able to renew an all-terrain vehicle registration certificate in person and with only
24 one appearance at the site where certificates are renewed.

25 **SECTION 675.** 23.33 (2) (i) of the statutes is created to read:

SENATE BILL 45**SECTION 675**

1 23.33 (2) (i) *Registration; appointment of agents.* For the issuance of
2 all-terrain vehicle registration certificates, the department may do any of the
3 following:

4 1. Directly issue the certificates.

5 2. Appoint, as an agent of the department, the clerk of one or more counties to
6 issue the certificates.

7 3. Appoint persons who are not employes of the department to issue the
8 certificates as agents of the department.

9 **SECTION 676.** 23.33 (2) (j) of the statutes is created to read:

10 23.33 (2) (j) *Duplicates.* For purposes of pars. (i) to (o), the issuance of a
11 duplicate of an all-terrain vehicle registration certificate shall be considered the
12 same as the issuance of an original certificate.

13 **SECTION 677.** 23.33 (2) (k) of the statutes is created to read:

14 23.33 (2) (k) *Registration; agent activities.* 1. The clerk of any county appointed
15 under par. (i) 2. or (m) may accept the appointment.

16 2. The department may promulgate rules regulating the activities of persons
17 appointed under pars. (i) and (m).

18 **SECTION 678.** 23.33 (2) (L) of the statutes is created to read:

19 23.33 (2) (L) *Registration; issuing fees.* An agent appointed under par. (i) 2. or
20 3. shall collect an issuing fee of \$3 for each all-terrain vehicle registration certificate
21 that the agent issues. The agent shall remit to the department \$2 of each issuing fee
22 collected.

23 **SECTION 679.** 23.33 (2) (m) of the statutes is created to read:

24 23.33 (2) (m) *Renewals; agents.* For the renewal of all-terrain vehicle
25 registration certificates for public use or the renewal of commercial all-terrain

SENATE BILL 45**SECTION 679**

1 vehicle registration certificates, the department may renew the certificates directly
2 or may appoint agents in the manner specified in par. (i) 2. or 3. The department may
3 establish an expedited service to be provided by the department and these agents to
4 renew these types of all-terrain vehicle registration certificates.

5 **SECTION 680.** 23.33 (2) (n) of the statutes is created to read:

6 23.33 (2) (n) *Renewals; fees.* In addition to the renewal fee under par. (c), (d)
7 or (dm), the department may authorize that a supplemental renewal fee of \$3 be
8 collected for the renewal of all-terrain vehicle registration certificates that are
9 renewed in any of the following manners:

- 10 1. By agents appointed under par. (m).
- 11 2. By the department using the expedited service.

12 **SECTION 681.** 23.33 (2) (o) of the statutes is created to read:

13 23.33 (2) (o) *Renewals; remittal of fees.* An agent appointed under par. (m) shall
14 remit to the department \$2 of each \$3 fee collected under par. (n). Any fees remitted
15 to or collected by the department under par. (L) or (n) shall be credited to the
16 appropriation account under s. 20.370 (9) (hu).

17 **SECTION 682.** 23.33 (5) (d) of the statutes is amended to read:

18 23.33 (5) (d) *Safety certification program established.* The department shall
19 establish or supervise the establishment of ~~programs~~ a program of instruction on
20 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
21 law, regulations, safety and related subjects. The department ~~may charge or~~
22 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor
23 conducting the program of instruction under this paragraph shall collect the fee from
24 each person who receives instruction. The department may determine the portion
25 of this fee, which may not exceed 50%, that the instructor may retain to defray

SENATE BILL 45**SECTION 682**

1 expenses incurred by the instructor in conducting the program. The instructor shall
2 remit the remainder of the fee or, if nothing is retained, the entire fee to the
3 department.

4 **SECTION 683.** 23.38 (1) of the statutes is amended to read:

5 23.38 (1) The department shall maintain a toll-free telephone number at
6 ~~department headquarters~~ to receive reports of violations of any statute ~~or,~~
7 administrative rule ~~that the department enforces or administers~~ or ordinance
8 enumerated in s. 23.50 (1) or 29.921 (1). The department shall relay these reports
9 to the appropriate warden ~~or officer~~ for investigation and enforcement action. The
10 department shall publicize the toll-free telephone number as widely as possible in
11 the state.

12 **SECTION 684.** 23.38 (3) to (8) of the statutes are created to read:

13 23.38 (3) The department shall establish and administer a program to pay
14 rewards to individuals who provide information to the department under sub. (1) or
15 by other means concerning the violation of any statute, administrative rule or
16 ordinance enumerated in s. 23.50 (1) or 29.921 (1). Under the program, the
17 department may offer and pay rewards from the appropriation under s. 20.370 (3)
18 (au) to informants who provide information that results in a finding by a court that
19 a violation of any statute, administrative rule or ordinance enumerated in s. 23.50
20 (1) or 29.921 (1) was committed.

21 (4) If an informant claims a reward, the natural resources board shall evaluate
22 the claim to determine if the department will pay a reward and, subject to sub. (6),
23 the amount of the reward. The board may apportion a reward among 2 or more
24 individuals. The offer of a reward under sub. (3) does not create any liability on the
25 department, the natural resources board or the state.

SENATE BILL 45**SECTION 684**

1 **(5)** If a report made under this section leads to a finding by a court that a
2 violation of any statute, administrative rule or ordinance enumerated in s. 23.50 (1)
3 or 29.921 (1) was committed by the person about whom the report was made, the
4 court may order that person to reimburse the department in an amount equal to any
5 reward paid under sub. (3) or in any other amount determined by the court.

6 **(6)** The department may not, without the consent of the governor, pay a reward
7 under sub. (3) that exceeds \$1,000 for each violation committed by any one person.

8 **(7)** The department may withhold any record under this section from
9 inspection or copying under s. 19.35.

10 **(8)** The department may solicit gifts, grants and bequests to support the
11 reward program under this section.

12 **SECTION 685.** 23.50 (1) of the statutes is amended to read:

13 **23.50 (1)** The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
14 court to recover forfeitures, penalty assessments, jail assessments, applicable
15 weapons assessments, applicable environmental assessments, applicable wild
16 animal protection assessments, applicable natural resources assessments,
17 applicable fishing shelter removal assessments, applicable snowmobile registration
18 restitution payments and applicable natural resources restitution payments for
19 violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57
20 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch.
21 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules
22 promulgated thereunder, violations specified under s. 285.86, violations of rules of
23 the Kickapoo reserve management board under s. 41.41 (7) (k) or violations of local
24 ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or
25 30.77.

SENATE BILL 45**SECTION 686**

1 **SECTION 686.** 23.51 (6) of the statutes is amended to read:

2 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
3 ~~165.87~~ 757.05.

4 **SECTION 687.** 23.65 (1) of the statutes is amended to read:

5 23.65 (1) When it appears to the district attorney that a violation of s. 134.60,
6 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81
7 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative
8 rule promulgated pursuant thereto, or a violation specified under s. 285.86 has been
9 committed the district attorney may proceed by complaint and summons.

10 **SECTION 688.** 23.65 (3) of the statutes is amended to read:

11 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint,
12 a circuit judge, after conducting a hearing, may permit the filing of a complaint if he
13 or she finds there is probable cause to believe that the person charged has committed
14 a violation of s. 287.07, 287.08 or 287.81, this chapter or ch. 26, 27, 28, 29, 30, 31 or
15 350 or a violation specified under s. 285.86. The district attorney shall be informed
16 of the hearing and may attend.

17 **SECTION 689.** 24.04 (2) of the statutes is amended to read:

18 24.04 (2) DISBURSEMENTS. All expenses necessarily incurred in caring for and
19 selling public lands shall be deducted from the gross receipts of the fund to which the
20 proceeds of the sale of the land will be added. Expenses necessarily incurred in
21 caring for public lands may include expenses for reforestation, erosion and insect
22 control, submerged log monitoring, surveys, appraisals, soil surveys and soil
23 mapping activities and other land management practices that serve to protect or
24 enhance the interests of the beneficiaries of the trust funds.

25 **SECTION 690.** 24.63 (4) of the statutes is amended to read:

SENATE BILL 45**SECTION 690**

1 24.63 (4) REPAYMENT BEFORE DUE DATE PERMITTED. Any borrower after March 15
2 and prior to August 1 of any year may repay one or more instalments of a state trust
3 fund loan in advance of the due date, and all interest upon such advance payment
4 shall thereupon terminate. The board may charge a borrower who repays one or
5 more instalments of a loan a fee to cover any administrative costs incurred by the
6 board in originating and servicing the loan.

7 **SECTION 691.** 24.64 of the statutes is created to read:

8 **24.64 Reimbursements for certain administrative services.** The board
9 shall reimburse the department of administration, from the appropriation account
10 under s. 20.507 (1) (h), for administrative services provided by the department of
11 administration and other state agencies to the board.

12 **SECTION 692.** 24.66 (3) (b) of the statutes is amended to read:

13 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
14 for a loan, the required repayment of which exceeds 10 years, shall be approved and
15 authorized for a unified school district by a majority vote of the members of the school
16 board at a regular or special meeting of the school board. Every vote so required shall
17 be by ayes and noes duly recorded. In addition, the application shall be approved for
18 a unified school district by a majority vote of the electors of the school district at a
19 ~~special election~~ referendum as provided under sub. (4) (b).

20 **SECTION 693.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and amended
21 to read:

22 24.66 (4) (a) If any municipality other than a school district is not empowered
23 by law to incur indebtedness for a particular purpose without first submitting the
24 question to its electors, the application for a state trust fund loan for that purpose
25 must be approved and authorized by a majority vote of the electors at a special

SENATE BILL 45**SECTION 693**

1 election called, noticed and held in the manner provided for other special elections.
2 The notice of the election shall state the amount of the proposed loan and the purpose
3 for which it will be used.

4 **SECTION 694.** 24.66 (4) (b) of the statutes is created to read:

5 24.66 (4) (b) If any school district is not empowered by law to incur
6 indebtedness for a particular purpose without first submitting the question to its
7 electors, the application for a state trust fund loan for that purpose must be approved
8 and authorized by a majority vote of the electors at the next regularly scheduled
9 spring election or general election that occurs not sooner than 45 days after the
10 adoption of the resolution under sub. (5) or at a special election held on the Tuesday
11 after the first Monday in November in an odd-numbered year if that date occurs not
12 sooner than 45 days after the adoption of the resolution under sub. (5). The
13 referendum shall be called, noticed and held in the manner provided for other
14 referenda. The notice of the referendum shall state the amount of the proposed loan
15 and the purpose for which it will be used.

16 **SECTION 695.** 25.156 (6) (intro.) of the statutes is amended to read:

17 25.156 (6) (intro.) The investment board may provide a plan of bonus
18 compensation for the executive director, internal auditor, employees appointed by the
19 internal auditor who are appointed in the unclassified service and other employees
20 of the board who are appointed in the unclassified service, other than employees
21 eligible for the plan of bonus compensation provided under sub. (6m), whereby the
22 employees may qualify for an annual bonus for meritorious performance. No such
23 bonuses awarded by the board for any fiscal year may exceed a total of 10% of the total
24 annualized salaries of all unclassified employees of the board, other than employees
25 eligible for the plan of bonus compensation provided under sub. (6m), at the

SENATE BILL 45**SECTION 695**

1 beginning of the fiscal year. No bonus awarded by the board to any individual
2 employe for any fiscal year may exceed a total of 25% of the annual salary of the
3 employe at the beginning of the fiscal year. In awarding bonus compensation for a
4 given period, the board shall consider the performance of funds similar to those for
5 which it has managing authority and market indices for the same period. The board
6 shall provide for a portion of the bonus compensation awarded under this subsection
7 to be distributed to an employe over a 3-year period conditioned upon continuation
8 of employment to the time of distribution, except as provided in sub. (7). Bonus
9 compensation may only be awarded under this subsection pursuant to a plan adopted
10 by the board that specifies all of the following:

11 **SECTION 696.** 25.156 (6m) of the statutes is created to read:

12 25.156 **(6m)** (a) The investment board may provide a plan of bonus
13 compensation for employes of the board who are appointed in the unclassified service
14 and who are investment professionals, as determined by the secretary of
15 administration under par. (b), whereby the employes may qualify for an annual
16 bonus for meritorious performance. No such bonuses awarded by the board for any
17 fiscal year may exceed a total of 25% of the total annualized salaries of all employes
18 who are investment professionals, as determined by the secretary of administration
19 under par. (b), at the beginning of the fiscal year. No bonus awarded by the board
20 to any individual employe for any fiscal year may exceed a total of 50% of the annual
21 salary of the employe at the beginning of the fiscal year. In awarding bonus
22 compensation for a given period, the board shall consider the performance of funds
23 similar to those for which it has managing authority and market indices for the same
24 period. Bonus compensation may only be awarded under this subsection pursuant
25 to a plan adopted by the board that specifies all of the following:

SENATE BILL 45**SECTION 696**

- 1 1. The conditions under which bonus compensation will be awarded.
- 2 2. The percentage of the total available bonus compensation that will be
- 3 awarded based upon beneficial investment performance and the percentage of such
- 4 compensation that will be awarded based upon other meritorious performance.
- 5 3. The specific criteria that will be employed in considering whether to award
- 6 bonus compensation to a particular employee.
- 7 (b) Annually, no later than June 30, the secretary of administration shall
- 8 determine which employes of the board are investment professionals and eligible for
- 9 the plan of bonus compensation provided under par. (a) for the succeeding fiscal year
- 10 and shall report this determination to the board.

11 **SECTION 697.** 25.16 (7) of the statutes is amended to read:

12 25.16 (7) The executive director shall fix the compensation of all employes

13 appointed by the executive director, subject to restrictions set forth in the

14 compensation plan under s. 230.12 or any applicable collective bargaining

15 agreement in the case of employes in the classified service, but the investment board

16 may provide for bonus compensation to employes in the unclassified service as

17 authorized under s. 25.156 (6) and (6m).

18 **SECTION 698.** 25.17 (1) (ka) of the statutes is created to read:

19 25.17 (1) (ka) Natural resources land endowment fund (s. 25.293);

20 **SECTION 699.** 25.17 (70) (a) of the statutes is amended to read:

21 25.17 (70) (a) No later than June 30 of every odd-numbered year, after

22 ~~receiving a report from the department of commerce under s. 560.08 (2) (m) and in~~

23 ~~consultation~~ consulting with the department of commerce, submit to the governor

24 and to the presiding officer of each house of the legislature a plan for making

25 investments in this state. The purpose of the plan is to encourage the board to make

SENATE BILL 45**SECTION 699**

1 the maximum amount of investments in this state, subject to s. 25.15 and consistent
2 with the statutory purpose of each trust or fund managed by the board.

3 **SECTION 700.** 25.17 (70) (b) 1. of the statutes is amended to read:

4 25.17 (70) (b) 1. A report ~~from the department of commerce under s. 560.08 (2)~~
5 ~~(m)~~ describing the types of investments in businesses in this state which will have
6 the greatest likelihood of enhancing economic development in this state.

7 **SECTION 701.** 25.18 (2) (e) of the statutes is amended to read:

8 25.18 (2) (e) Contract with and delegate to investment advisers the
9 management and control over assets from any fund or trust delivered to such
10 investment advisers for investment in real estate, mortgages, equities, debt of
11 foreign corporations and debt of foreign governments, and pay such advisers fees
12 from the current income of the fund or trust being invested. No more than 15% 25%
13 of the total assets of the fixed retirement investment trust or 15% 25% of the total
14 assets of the variable retirement investment trust may be delivered to investment
15 advisers. The board shall set performance standards for such investment advisers,
16 monitor such investments to determine if performance standards are being met and
17 if an investment adviser does not consistently meet the performance standards then
18 terminate the contract with such investment adviser.

19 **SECTION 702.** 25.29 (1) (a) of the statutes is amended to read:

20 25.29 (1) (a) Except as provided in s. ss. 25.293 and 25.295, all moneys accruing
21 to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350,
22 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50
23 to 30.55, 70.58 and 71.10 (5), including grants received from the federal government
24 or any of its agencies except as otherwise provided by law.

25 **SECTION 703.** 25.293 of the statutes is created to read:

SENATE BILL 45**SECTION 703**

1 **25.293 Natural resources land endowment fund.** There is established a
2 separate nonlapsible trust fund designated as the natural resources land
3 endowment fund, to consist of:

4 **(1)** All gifts, grants or bequests made to the natural resources land endowment
5 fund. The department of natural resources may convert any noncash gift, grant or
6 bequest into cash for deposit into the fund.

7 **(2)** All interest and other income generated from these gifts, grants and
8 bequests.

9 **SECTION 704.** 25.40 (1) (a) 18. of the statutes is created to read:

10 25.40 **(1)** (a) 18. Moneys received under s. 85.12 that are deposited in the
11 general fund and credited to the appropriation account under s. 20.395 (5) (dk) or
12 (dL).

13 **SECTION 705.** 25.40 (2) (b) 15m. of the statutes is created to read:

14 25.40 **(2)** (b) 15m. Section 20.435 (1) (t).

15 **SECTION 706.** 25.42 of the statutes is amended to read:

16 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
17 s. 20.510 (1) (c) and 20.855 (4) (b) together with all moneys reverting to the state
18 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)
19 constitute the Wisconsin election campaign fund, to be expended for the purposes of
20 s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue
21 to accumulate indefinitely.

22 **SECTION 707.** 25.43 (3) of the statutes is amended to read:

23 25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d),
24 the environmental improvement fund may be used only for the purposes authorized
25 under ss. 20.320 (1) (r), (s), (sm), (t), (x) and (y) ~~and~~, (2) (s) and (x) and (3) (q), 20.370

SENATE BILL 45**SECTION 707**

1 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y),
2 281.58, 281.59, 281.60, 281.61 and 281.62.

3 **SECTION 708.** 25.46 (1r) of the statutes is created to read:

4 25.46 (1r) The moneys transferred from the Wisconsin development reserve
5 fund under 1999 Wisconsin Act (this act), section 9225 (1).

6 **SECTION 709.** 25.46 (5c) of the statutes is amended to read:

7 25.46 (5c) The moneys collected under s. 145.19 (6) (9) for environmental
8 management.

9 **SECTION 710.** 25.46 (11) of the statutes is created to read:

10 25.46 (11) The moneys collected under s. 292.75 (8).

11 **SECTION 711.** 25.46 (12) of the statutes is created to read:

12 25.46 (12) The funds transferred under s. 292.65 (11).

13 **SECTION 712.** 25.465 (8) of the statutes is amended to read:

14 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).

15 **SECTION 713.** 25.47 of the statutes is renumbered 25.47 (intro.) and amended
16 to read:

17 **25.47 Petroleum inspection fund.** (intro.) There is established a separate
18 nonlapsible trust fund designated as the petroleum inspection fund, to consist of the:

19 (1) The fees imposed under s. 168.12 (1), the,

20 (2) The payments under s. 101.143 (4) (h) 1m., the

21 (3) The payments under s. 101.143 (5) (a) and the,

22 (4) The net recoveries under s. 101.143 (5) (c).

23 **SECTION 714.** 25.47 (1m) of the statutes is created to read:

24 25.47 (1m) Any fees imposed under s. 101.143 (2) (i).

25 **SECTION 715.** 25.47 (5) of the statutes is created to read:

SENATE BILL 45**SECTION 715**

1 25.47 (5) The moneys transferred from the appropriation account under s.
2 20.143 (3) (s).

3 **SECTION 716.** 25.48 of the statutes is amended to read:

4 **25.48 Dry cleaner environmental response fund.** There is established a
5 separate nonlapsible trust fund designated as the dry cleaner environmental
6 response fund, to consist of the moneys required under s. 77.9964 (3) to be deposited
7 in the fund and moneys collected under ss. 292.65 (9) (c) and (9m).

8 **SECTION 717.** 25.50 (1) (d) of the statutes is amended to read:

9 25.50 (1) (d) "Local government" means any county, town, village, city, power
10 district, sewerage district, drainage district, town sanitary district, public inland
11 lake protection and rehabilitation district, local professional baseball park district
12 created under subch. III of ch. 229, family care district under s. 46.2895, public
13 library system, school district or technical college district in this state, any
14 commission, committee, board or officer of any governmental subdivision of this
15 state, any court of this state, other than the court of appeals or the supreme court,
16 or any authority created under s. 231.02, 233.02 or 234.02.

17 **SECTION 718.** 25.80 of the statutes is amended to read:

18 **25.80 Tuition trust fund.** There is established a separate nonlapsible trust
19 fund designated as the tuition trust fund, consisting of all revenue from enrollment
20 fees and the sale of tuition units under s. ~~16.24~~ 14.63.

21 **SECTION 719.** 26.145 (4) of the statutes is repealed.

22 **SECTION 720.** 27.01 (2) (a) of the statutes is amended to read:

23 27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable
24 for state park purposes ~~and may acquire such lands and waters by condemnation~~

SENATE BILL 45**SECTION 720**

1 ~~after obtaining approval of the senate and assembly committees on natural~~
2 ~~resources.~~

3 **SECTION 721.** 28.02 (2) of the statutes is amended to read:

4 28.02 (2) ACQUISITION. The department may acquire lands or interest in lands
5 by grant, devise, gift, ~~condemnation~~ or purchase within the boundaries of
6 established state forests or purchase areas; and outside of such boundaries for forest
7 nurseries, tracts for forestry research or demonstration and for forest protection
8 structures, or for access to such properties. ~~In the case of condemnation the~~
9 ~~department shall first obtain approval from the appropriate standing committees of~~
10 ~~each house of the legislature as determined by the presiding officer thereof.~~

11 **SECTION 722.** 28.05 (1) of the statutes is amended to read:

12 28.05 (1) LIMITATIONS. Cutting shall be limited to trees marked or designated
13 for cutting by a forester in the professional series of the state classified civil service
14 or by a department-designated employe equally qualified by reason of long, practical
15 experience. The department may sell products removed in cultural or salvage
16 cuttings and standing timber designated in timber sale contracts, but all sales shall
17 be based on tree scale or on the scale, measure or count of the cut products. The
18 department may require that a person purchasing products or standing timber
19 under a timber sale contract provide surety for the proper performance of the
20 contract either directly or through a bond furnished by a surety company authorized
21 to do business in this state.

22 **SECTION 723.** 29.024 (6) (am) of the statutes is created to read:

23 29.024 (6) (am) In reserving deer hunting back tag numbers, the department
24 may do any of the following:

- 25 1. Directly reserve the numbers.

SENATE BILL 45**SECTION 723**

1 2. Appoint, as an agent of the department, the clerk of one or more counties to
2 reserve the numbers.

3 3. Appoint, as agents of the department, persons who are not employes of the
4 department to reserve the numbers.

5 **SECTION 724.** 29.024 (6) (b) of the statutes is amended to read:

6 29.024 (6) (b) The clerk of each county appointed under par. (a) 2. or (am) 2. may
7 accept the appointment.

8 **SECTION 725.** 29.024 (6) (d) of the statutes is amended to read:

9 29.024 (6) (d) The department may promulgate rules regulating the activities
10 of persons appointed under ~~par. pars.~~ (a) 2. and 3. and (am) 2. and 3.

11 **SECTION 726.** 29.181 (2m) (intro.) of the statutes is amended to read:

12 29.181 (2m) RESIDENT FARM OWNER. (intro.) If the department determines that
13 for a deer management area the number of available bonus deer hunting permits for
14 a single season will exceed the number of applications submitted, the department
15 may authorize by rule the issuance of one or more bonus deer hunting permits to a
16 resident without the resident having to pay any fee, including any processing or
17 issuing fee, if the resident meets all of the following requirements:

18 **SECTION 727.** 29.184 (9) (a) of the statutes is amended to read:

19 29.184 (9) (a) The department shall issue a back tag to each person who is
20 issued a Class A bear license, ~~and the department or county clerk shall issue a back~~
21 ~~tag to each person who is issued~~ or a Class B bear license.

22 **SECTION 728.** 29.229 (4) (f) of the statutes is amended to read:

23 29.229 (4) (f) Sections 29.024 (3), (4) (b), (5) (b), (7), (8) and (9), 29.559 (2) ~~and~~
24 ~~(3)~~ and 29.564 do not apply to any approval that may be issued under this section.

25 **SECTION 729.** 29.2295 (4) (c) of the statutes is created to read:

SENATE BILL 45**SECTION 729**

1 29.2295 (4) (c) 1. The department shall make the payments under this
2 subsection from the appropriation under s. 20.370 (9) (hk).

3 2. If the amount appropriated under s. 20.370 (9) (hk) is insufficient to make
4 all of the payments under this subsection, the department shall make the remaining
5 payments from the appropriation under s. 20.370 (9) (ht).

6 **SECTION 730.** 29.242 of the statutes is created to read:

7 **29.242 Release of information regarding license holders; sale of**
8 **approval lists. (1) DEFINITIONS.** In this section:

9 (a) “Approval holder” means a person who has been issued an approval under
10 this chapter.

11 (b) “Demographic information” includes age and gender.

12 (c) “Other identifying information” means information collected by the
13 department for issuing approvals under this chapter and includes a person’s
14 telephone number, driver’s license number and identification number given by the
15 department to that person for the purpose issuing approvals.

16 **(2) NAMES; ADDRESSES; APPROVAL LISTS.** (a) Except as provided in par. (b), the
17 department may reveal the names and addresses and demographic information of
18 approval holders. The department may produce and charge a fee for lists of the
19 names, addresses and demographic information of these approval holders.

20 (b) Notwithstanding s. 19.35, the department may not reveal any of the
21 following:

22 1. The name, address or demographic information of an approval holder upon
23 the request of the approval holder.

24 2. The name, address or demographic information of a person under the age of
25 18.

SENATE BILL 45**SECTION 730**

1 **(3) OTHER IDENTIFYING INFORMATION.** Notwithstanding s. 19.35, the department
2 may not reveal other identifying information of any approval holder.

3 **(4) FEES.** Notwithstanding ss. 20.908 and 35.78 (2), any fee charged by the
4 department under sub. (2) shall be at least equal to the amount necessary to cover
5 the actual costs of producing, collecting, storing, handling and distributing the lists.

6 **(5) DISCLAIMERS.** No person who obtains or uses information provided by the
7 department under sub. (2) may refer to the department as the source of the
8 information unless the person clearly states that the provision of, or the permission
9 to use, the information in no way indicates any of the following:

10 (a) The department's involvement or connection with the person or the person's
11 activities.

12 (b) The department's knowledge, approval or authorization of the person's
13 activities.

14 **(6) USE OF MONEYS.** Any fees collected under sub. (4) shall be deposited in the
15 conservation fund and credited to the appropriation account under s. 20.370 (9) (hu).

16 **(7) REPORT TO LEGISLATURE.** The department shall annually submit a report
17 concerning the activities, receipts and disbursements under this section for fiscal
18 year 1999-2000, and each fiscal year thereafter, to the legislature for distribution to
19 the appropriate standing committees under s. 13.172 (3).

20 **SECTION 731.** 29.354 (1) of the statutes is amended to read:

21 29.354 **(1) APPROVAL NECESSARY.** No person, ~~except a person who has a valid~~
22 ~~hunting license, sports license, conservation patron license, taxidermist permit or~~
23 ~~scientific collector permit and who is carrying this approval on his or her person,~~ may
24 possess or have under his or her control any game bird, animal or the carcass of any
25 game bird or animal unless the person is authorized to do so under s. 29.615 or unless

SENATE BILL 45**SECTION 731**

1 the person has a valid hunting license, sports license, conservation patron license,
2 taxidermist permit, or scientific collector permit.

3 **SECTION 732.** 29.506 (7m) (a) of the statutes is amended to read:

4 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
5 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist
6 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
7 school approved by the ~~educational approval~~ higher educational aids board under s.
8 39.51.

9 **SECTION 733.** 29.556 (1) of the statutes is renumbered 29.556 (1m) and
10 amended to read:

11 29.556 (1m) In addition to any other fee imposed under s. 29.563, the
12 department may collect a handling fee ~~for the approvals that the department itself~~
13 issues to cover the handling costs incurred in issuing approvals.

14 **SECTION 734.** 29.556 (2) of the statutes is renumbered 29.556 (2) (a) and
15 amended to read:

16 29.556 (2) (a) If the department collects a handling fee under sub. (1) ~~(1m)~~, it
17 shall promulgate rules to ~~designate~~ do all of the following:

18 1. Designate the approvals to which the fee applies ~~and to establish.~~

19 2. Establish the ~~amounts~~ amount of the fee.

20 (c) The handling fee may not be more than the amounts necessary to cover the
21 handling costs of issuing the approvals.

22 **(1b)** In this ~~paragraph~~ section, "handling costs" includes the costs associated
23 with paying for approvals that are requested by mail, telephone or electronic means
24 and includes credit transaction fees, mailing costs and personnel costs that are
25 necessary to process the credit transaction.

SENATE BILL 45**SECTION 735**

1 **SECTION 735.** 29.556 (2) (b) of the statutes is created to read:

2 29.556 (2) (b) The department may allow any agent who is appointed under s.
3 29.024 (6) (a) 2. or 3. to collect the handling fee and retain all or a portion of the
4 handling fee.

5 **SECTION 736.** 29.556 (3) of the statutes is amended to read:

6 29.556 (3) Any fees collected under this section by the department shall be
7 credited to the appropriation account under s. 20.370 (9) (hu).

8 **SECTION 737.** 29.559 (1) of the statutes is amended to read:

9 29.559 (1) COLLECTION OF ISSUING FEE. Any person, including the department,
10 who issues any license or stamp under this chapter shall collect, in addition to the
11 statutory license or stamp fee, an issuing fee for each license and each stamp the
12 person issued. A person appointed under s. 29.024 (6) (a) 2. or 3. may retain the
13 amounts specified in sub. (3) 50 cents of each issuing fee for each license and 15 cents
14 for each issuing fee of each stamp to compensate for services in issuing the license
15 or stamp.

16 **SECTION 738.** 29.559 (1r) of the statutes is created to read:

17 29.559 (1r) COLLECTION OF ISSUING FEE FOR BONUS DEER HUNTING PERMITS. (a)
18 Any person, including the department, who issues a bonus deer hunting permit shall
19 collect, in addition to the statutory permit fee, an issuing fee for each permit. A
20 person appointed under s. 29.024 (6) (a) 2. or 3. may retain 50 cents of each issuing
21 fee for each permit to compensate for services in issuing the permit.

22 (b) The issuing fees received by the department for bonus deer hunting permits
23 under this section shall be credited to the appropriation account under s. 20.370 (5)
24 (fq).

25 **SECTION 739.** 29.559 (3) of the statutes is repealed.

SENATE BILL 45**SECTION 740**

1 **SECTION 740.** 29.561 of the statutes is created to read:

2 **29.561 Back tag number reservation fee. (1) COLLECTION OF FEE.** The
3 department shall establish a system under which the department shall reserve a
4 deer hunting back tag number for a person who pays a reservation fee. The
5 department may limit the number of back tag numbers that may be reserved under
6 this system. Upon payment of the fee each year, the department shall issue the same
7 back tag number to that person. Any person, including the department, who reserves
8 a back tag number shall collect, in addition to each reservation fee, an issuing fee of
9 50 cents.

10 **(2) HANDLING AND RETENTION OF FEES.** An issuing fee collected by any employe
11 of the department under this section shall be remitted to the department. An issuing
12 fee collected by a person appointed under s. 29.024 (6) (am) 2. or 3. may retain the
13 issuing fee to compensate for services in making the reservation.

14 **SECTION 741.** 29.563 (2) (a) 1. of the statutes is amended to read:

15 29.563 (2) (a) 1. Small game: ~~\$12.25~~ \$13.25.

16 **SECTION 742.** 29.563 (2) (a) 5. of the statutes is amended to read:

17 29.563 (2) (a) 5. Deer: ~~\$18.25~~ \$19.25.

18 **SECTION 743.** 29.563 (2) (a) 6. of the statutes is amended to read:

19 29.563 (2) (a) 6. Class A bear: ~~\$39.25~~ \$43.25.

20 **SECTION 744.** 29.563 (2) (a) 7. of the statutes is amended to read:

21 29.563 (2) (a) 7. Class B bear: ~~\$6.25~~ \$8.25.

22 **SECTION 745.** 29.563 (2) (a) 8. of the statutes is amended to read:

23 29.563 (2) (a) 8. Archer: ~~\$18.25~~ \$19.25.

24 **SECTION 746.** 29.563 (2) (b) 1. of the statutes is amended to read:

25 29.563 (2) (b) 1. Annual small game: ~~\$73.25~~ \$78.25.

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- 1 **SECTION 747.** 29.563 (2) (b) 2. of the statutes is amended to read:
2 29.563 (2) (b) 2. Five-day small game: ~~\$41.25~~ \$43.25.
- 3 **SECTION 748.** 29.563 (2) (b) 3. of the statutes is amended to read:
4 29.563 (2) (b) 3. Deer: ~~\$133.25~~ \$138.25.
- 5 **SECTION 749.** 29.563 (2) (b) 4. of the statutes is amended to read:
6 29.563 (2) (b) 4. Class A bear: ~~\$199.25~~ \$218.25.
- 7 **SECTION 750.** 29.563 (2) (b) 5. of the statutes is amended to read:
8 29.563 (2) (b) 5. Class B bear: ~~\$98.25~~ \$108.25.
- 9 **SECTION 751.** 29.563 (2) (b) 6. of the statutes is amended to read:
10 29.563 (2) (b) 6. Archer: ~~\$133.25~~ \$138.25.
- 11 **SECTION 752.** 29.563 (2) (b) 7. of the statutes is amended to read:
12 29.563 (2) (b) 7. Fur-bearing animal: ~~\$148.25~~ \$153.25.
- 13 **SECTION 753.** 29.563 (2) (c) 1. of the statutes is amended to read:
14 29.563 (2) (c) 1. Bonus deer: ~~\$12~~ \$12.25.
- 15 **SECTION 754.** 29.563 (2) (d) of the statutes is amended to read:
16 29.563 (2) (d) *Nonresident permit*. Bonus deer: ~~\$20~~ \$21.25.
- 17 **SECTION 755.** 29.563 (2) (e) 1. of the statutes is amended to read:
18 29.563 (2) (e) 1. Wild turkey: \$5 \$6.75.
- 19 **SECTION 756.** 29.563 (2) (e) 2. of the statutes is amended to read:
20 29.563 (2) (e) 2. Pheasant: \$7 \$6.75.
- 21 **SECTION 757.** 29.563 (3) (a) 1. of the statutes is amended to read:
22 29.563 (3) (a) 1. Annual: ~~\$13.25~~ \$14.25.
- 23 **SECTION 758.** 29.563 (3) (a) 3. of the statutes is amended to read:
24 29.563 (3) (a) 3. Husband and wife: ~~\$23.25~~ \$25.25.
- 25 **SECTION 759.** 29.563 (3) (b) 1. of the statutes is amended to read:

SENATE BILL 45**SECTION 759**

1 29.563 (3) (b) 1. Annual: ~~\$33.25~~ \$36.25.

2 **SECTION 760.** 29.563 (3) (b) 2. of the statutes is amended to read:

3 29.563 (3) (b) 2. Annual family: ~~\$51.25~~ \$55.25.

4 **SECTION 761.** 29.563 (3) (b) 3. of the statutes is amended to read:

5 29.563 (3) (b) 3. Fifteen-day: ~~\$19.25~~ \$21.25.

6 **SECTION 762.** 29.563 (3) (b) 4. of the statutes is amended to read:

7 29.563 (3) (b) 4. Fifteen-day family: ~~\$29.25~~ \$33.25.

8 **SECTION 763.** 29.563 (3) (b) 5. of the statutes is amended to read:

9 29.563 (3) (b) 5. Four-day: ~~\$14.25~~ \$16.25.

10 **SECTION 764.** 29.563 (3) (c) 1. of the statutes is amended to read:

11 29.563 (3) (c) 1. Inland waters trout: \$7 \$6.75.

12 **SECTION 765.** 29.563 (3) (c) 2. of the statutes is amended to read:

13 29.563 (3) (c) 2. Great Lakes trout and salmon: \$7 \$6.75.

14 **SECTION 766.** 29.563 (3) (d) 1. of the statutes is amended to read:

15 29.563 (3) (d) 1. Sturgeon spearing: ~~\$9.25~~ \$11.25.

16 **SECTION 767.** 29.563 (9) (a) 2. of the statutes is amended to read:

17 29.563 (9) (a) 2. Pheasant and quail farm: \$20 \$100.

18 **SECTION 768.** 29.563 (9) (a) 3. of the statutes is amended to read:

19 29.563 (9) (a) 3. Game bird and animal farm: \$10 \$25.

20 **SECTION 769.** 29.563 (9) (a) 5. of the statutes is amended to read:

21 29.563 (9) (a) 5. Deer farm: ~~\$25~~ \$100.

22 **SECTION 770.** 29.563 (9) (a) 10. of the statutes is amended to read:

23 29.563 (9) (a) 10. Wildlife exhibit: \$10 \$25.

24 **SECTION 771.** 29.563 (9) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 771**

1 29.563 (9) (b) *Late fee*. For a license for a pheasant and quail farm, game bird
2 and animal farm or fur animal farm, in addition to the regular fee: \$10 \$20.

3 **SECTION 772.** 29.563 (9) (c) of the statutes is created to read:

4 29.563 (9) (c) *Surcharges*. For the following licenses, the following surcharges
5 in addition to the fees in pars. (a) and (b):

6 1. A license for a game bird and animal farm on which there are bear: \$25.

7 2. A license for a game bird and animal farm on which the licensee permits an
8 individual to hunt game birds for a fee: \$75.

9 3. A license for a game bird and animal farm on which the licensee permits an
10 individual to hunt grouse for a fee: \$25.

11 4. A license for a game bird and animal farm on which the licensee sells game
12 animals, the gross revenue from which is \$10,000 or more during the 12 months
13 immediately preceding the issuance of the license: \$25.

14 5. A license for a wildlife exhibit at which the licensee exhibits a bear or a
15 cougar: \$25.

16 **SECTION 773.** 29.563 (11) (b) 1. of the statutes is amended to read:

17 29.563 (11) (b) 1. Hunter education and firearm safety instruction fee: ~~\$3~~ the
18 fee as established by rule.

19 **SECTION 774.** 29.563 (12) (a) 3. of the statutes is amended to read:

20 29.563 (12) (a) 3. Other hunting: ~~\$6.25~~ \$7.25.

21 **SECTION 775.** 29.563 (12) (a) 4. of the statutes is amended to read:

22 29.563 (12) (a) 4. Class A bear: ~~\$13~~ \$15.25.

23 **SECTION 776.** 29.563 (12) (b) of the statutes is amended to read:

24 29.563 (12) (b) *Fishing*. Fishing: ~~\$6.25~~ \$7.25.

25 **SECTION 777.** 29.563 (14) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 777**

1 29.563 (14) PROCESSING, HANDLING, RESERVATION AND ISSUING FEES. (intro.) The
2 fees for processing, handling, reserving and issuing approvals are as follows:

3 **SECTION 778.** 29.563 (14) (bn) of the statutes is created to read:

4 29.563 (14) (bn) *Reservation fee.* Reservation fee for a deer hunting back tag
5 number: \$4.50.

6 **SECTION 779.** 29.563 (14) (c) 3. of the statutes is amended to read:

7 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
8 hunting permit, wild turkey hunting license, Canada goose hunting permit,
9 sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter
10 trapping permit, fisher trapping permit or sturgeon fishing permit: 25 cents.

11 **SECTION 780.** 29.563 (14) (c) 4. of the statutes is created to read:

12 29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is
13 charged under s. 29.563 (2) (c) 1. or (d): 75 cents.

14 **SECTION 781.** 29.563 (14) (c) 5. of the statutes is created to read:

15 29.563 (14) (c) 5. Each reservation for a deer hunting back tag number: 50
16 cents.

17 **SECTION 782.** 29.591 (3) of the statutes is amended to read:

18 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
19 the course of instruction under the hunter education program and the bow hunter
20 education program. The instructor shall collect ~~the~~ this instruction fee specified
21 under s. 29.563 (11) (b) 1. from each person who receives instruction under the hunter
22 education program and the bow hunter education program and remit the fee to the
23 department. ~~The department may authorize an instructor under either program to~~
24 ~~retain 50%~~ determine the portion of this fee, which may not exceed 50%, that the
25 instructor may retain to defray expenses incurred by the instructor in conducting the

SENATE BILL 45**SECTION 782**

1 course. The instructor shall remit the ~~remaining portion~~ remainder of the fee or, if
2 nothing is retained, the entire fee to the department.

3 **SECTION 783.** 29.615 of the statutes is created to read:

4 **29.615 Rehabilitation of wild animals.** The department by rule may
5 regulate the rehabilitation of wild animals by persons not employed by the
6 department. The rules may include a system for issuing approvals to rehabilitators
7 and requirements for rehabilitators who apply for and who hold the approvals.

8 **SECTION 784.** 29.853 (2) (a) of the statutes is amended to read:

9 29.853 (2) (a) *Restrictions.* No person may possess any live game animal or
10 fur-bearing animal unless authorized under s. 29.615, 29.857, 29.863, 29.867,
11 29.869, 29.871 or 29.877 except to control an animal temporarily.

12 **SECTION 785.** 29.936 (1) of the statutes is renumbered 29.936 (1) (b) and
13 amended to read:

14 29.936 (1) (b) Notwithstanding s. ~~29.06~~ 29.934, the department may distribute
15 for free carcasses from fish and game seized or confiscated under s. ~~29.05~~ 29.931 that
16 are suitable for eating to food distribution services, ~~as defined in s. 46.765 (1) (b).~~ The
17 department may have the fish or game that is seized or confiscated processed before
18 distributing that fish or game to food distribution services. The department may
19 collect the costs of the processing of the fish or game from the person from whom the
20 fish and game was seized or confiscated.

21 **SECTION 786.** 29.936 (1) (a) of the statutes is created to read:

22 29.936 (1) (a) In this subsection, "food distribution service" means a program
23 that provides food or serves meals directly to individuals with low incomes or to
24 elderly individuals, or that collects and distributes food to persons who provide food
25 or serve meals directly to these individuals.

SENATE BILL 45**SECTION 787**

1 **SECTION 787.** 29.947 (4) (a) of the statutes is amended to read:

2 29.947 (4) (a) *Costs reimbursed.* Except as provided under par. (c), the
3 department may pay each participating county or municipality up to 100% of the
4 county's or municipality's actual costs that are directly attributable to providing
5 additional law enforcement services during the spearfishing season. The
6 department shall make any aid payments from the appropriations under s. 20.370
7 (5) ~~(ea)~~ (ek) by September 30 of the calendar year in which the county or municipality
8 files an application under sub. (2) (c). The department may not make an aid payment
9 unless the payment is approved by the secretary of administration.

10 **SECTION 788.** 29.947 (4) (c) of the statutes is amended to read:

11 29.947 (4) (c) *Prorated payments allowed.* If the total amount of reimbursable
12 costs under par. (a) exceeds the amount available for payments under s. 20.370 (5)
13 ~~(ea)~~ (ek), the department may prorate payments to participating counties and
14 municipalities.

15 **SECTION 789.** 30.01 (6b) of the statutes is amended to read:

16 30.01 **(6b)** "Substantive written objection" means a written statement giving
17 specific reasons why a proposed project under ss. 30.02 to 30.38 may violate the
18 statutory provisions applicable to the project and specifying that the person making
19 the objection will appear and present information supporting the objection ~~in a~~
20 ~~contested case hearing.~~

21 **SECTION 790.** 30.02 of the statutes is repealed and recreated to read:

22 **30.02 General provisions for notices, hearings and decisions. (1)**
23 **APPLICABILITY.** The department shall follow the procedures in subs. (2) to (10) in
24 determining whether to issue a permit or to enter a contract under this chapter if any
25 of the following apply:

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1 (a) A preliminary decision is specifically required under this chapter.

2 (b) The department determines that a substantial public right or public
3 interest in navigable waters may be adversely affected by the department's decision.

4 (c) The department determines that a riparian right of a person other than the
5 applicant for the permit or contract may be adversely affected by the department's
6 decision.

7 **(2) PRELIMINARY DECISION REQUIRED.** (a) Upon receipt of a complete application
8 for a permit to which sub. (1) applies or before entering a contract to which sub. (1)
9 applies, the department shall evaluate the application or proposed contract and
10 issue a preliminary decision whether to grant the permit or to enter into the contract.

11 (b) A decision under par. (a) shall become final on the 30th day following the
12 date of the transmittal of the preliminary decision under sub. (3) or the date of
13 publication of the notice under sub. (4) unless the department receives a written
14 objection to the preliminary decision before that date.

15 **(3) NOTICE OF PRELIMINARY DECISION; SPECIAL NOTICE.** The department shall issue
16 a notice of its preliminary decision, which shall contain the preliminary decision and
17 the information specified in sub. (2) (b), and shall transmit a copy of the notice to all
18 of the following within 7 days after its issuance:

19 (a) The applicant for the permit or contract.

20 (b) Any person who owns riparian property adjacent to the property of the
21 applicant.

22 (c) The clerk of each municipality in which the project will be located.

23 (d) If the body of water is a lake, any public inland lake protection and
24 rehabilitation district established for the lake.

25 (e) Any property owner's association that is established for the body of water.

SENATE BILL 45**SECTION 790**

1 (f) Any town sanitary district or other special purpose district that has been
2 established for the management of the body of water.

3 (g) A newspaper designated by the department that is likely to provide notice
4 in the area in which the project is located. The notice shall be published only if so
5 required under sub. (4).

6 (h) The Great Lakes Indian Fish and Wildlife Commission if the body of water
7 is located within an area where federally recognized American Indian tribes or bands
8 domiciled in this state hold treaty-based, off-reservation rights to fish.

9 **(4) NOTICE OF PRELIMINARY DECISION; PUBLIC NOTICE.** If the department
10 determines that an environmental impact assessment under s. 1.11 is required for
11 the project or if a person is applying for a permit or to enter a contract to which ss.
12 30.19 (1) (b), 30.195 (3m) (b), 30.196 or 30.20 (3) (b) applies, the department, in
13 addition to transmitting the notice of its preliminary decision as required in sub. (3),
14 shall require public notice of the preliminary decision. The public notice shall
15 contain the preliminary decision whether to grant the permit or the contract and the
16 information specified in sub. (2) (b). The department shall provide a copy of this
17 public notice to the applicant for the permit or contract. The applicant shall publish
18 the notice as a class 1 notice under ch. 985 in a newspaper designated by the
19 department that is likely to give notice in the area in which the project is located
20 within 15 days after the receipt of the copy of the notice. The applicant shall provide
21 proof of publication to the department.

22 **(5) RESPONSE TO PRELIMINARY DECISION.** (a) If the department receives a timely
23 written objection to a preliminary decision issued under sub. (2), the department
24 shall determine whether it is a substantive written objection. The department shall
25 inform the applicant that it has received the objection and the receipt of the objection

SENATE BILL 45**SECTION 790**

1 stays the preliminary decision until the procedures in sub. (6) (a), (d) or (g) have been
2 completed. Within 30 days after the receipt of the objection, the department shall
3 either complete its determination or shall request more information to support the
4 objection from the person making the objection. If the department requests more
5 information, it shall complete its determination within 30 days after the receipt of
6 the additional information. If the department fails to act within the time period
7 required under this paragraph, the department shall issue a determination that the
8 objection is a substantive written objection.

9 (b) If the department does not receive any timely written objections to a
10 preliminary decision issued under sub. (2), the department shall enter the
11 preliminary decision as its final decision on issuing the permit or entering the
12 contract.

13 **(6) PROCEDURES WHEN OBJECTIONS RECEIVED.** (a) If the department determines
14 under sub. (5) that an objection is a substantive written objection to a preliminary
15 decision and that the project proposed under the permit or contract affects a public
16 right or public interest in a navigable waterway, the department shall notify the
17 applicant of its determination and shall allow the person making the substantive
18 written objection to choose any of the following methods as a means to resolve the
19 dispute presented by the substantive written objection:

- 20 1. An informal hearing before staff from the department.
- 21 2. A public hearing following the procedures under sub. (8).
- 22 3. A dispute resolution proceeding, if agreeable to the applicant for the permit
23 or contract, the department and the person making the substantive written
24 objection.

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1 (b) If the department determines under par. (a) that there is more than one
2 substantive written objection to a preliminary decision, the department shall use the
3 method under par. (a) 2. to resolve the dispute unless all of the persons making the
4 substantive written objections agree to the method under par. (a) 1. or unless all of
5 the persons making the substantive written objections and the applicant for the
6 permit or contract agree to the method under par. (a) 3.

7 (c) If a dispute resolution proceeding is conducted under par. (a) and if an
8 agreement is reached, the parties to the proceeding shall submit the agreement to
9 the department for approval. In approving the decision, the department may amend
10 the agreement in order to protect the public rights or interests in the navigable
11 waterway affected by the agreement. If an agreement is not reached or if the
12 department does not approve the agreement, the department shall order a public
13 hearing under sub. (8).

14 (d) If the department determines under sub. (5) that an objection to a
15 preliminary decision is a substantive written objection but that the project proposed
16 under the permit or contract does not affect a public right or public interest in a
17 navigable waterway, the department shall notify the applicant of its determination
18 and shall allow the person making the substantive written objection to choose any
19 of the following methods as a means to resolve the dispute presented by substantive
20 written objection:

21 1. An informal hearing before staff from the department.

22 2. A dispute resolution proceeding, if agreeable to the applicant for the permit
23 or contract and the person making a substantive written objection.

24 (e) If the department determines under par. (d) that there is more than one
25 substantive written objection to a preliminary decision, the department shall use the

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1 method under par. (a) 1. to resolve the dispute unless all of the persons making the
2 substantive written objections and the applicant for the permit or contract agree to
3 the method under par. (a) 3.

4 (f) If a dispute resolution proceeding is conducted under par. (d) and if an
5 agreement is reached, the parties to the proceeding shall submit the agreement to
6 the department for approval. In approving the decision, the department may amend
7 the agreement in order to protect the public rights or interests in the navigable
8 waterway affected by the agreement. If an agreement is not reached or if the
9 department does not approve the agreement, the department shall conduct an
10 informal hearing as provided in par. (d) 1.

11 (g) If the department determines under sub. (5) that an objection to a
12 preliminary decision is not a substantive written objection, the department shall
13 enter the preliminary decision as its final decision on issuing the permit or entering
14 the contract.

15 (h) If the final decision under par. (g) is to issue the permit or enter the contract,
16 the stay under sub. (5) (a) is automatically extended for 10 days after the decision
17 becomes final.

18 **(7) INFORMAL HEARING AND DISPUTE RESOLUTION PROCEEDINGS.** The department
19 shall promulgate rules to establish requirements and procedures for the informal
20 hearings and the dispute resolution proceedings under sub. (6). The rules for dispute
21 resolution proceedings shall include processes for mediation and binding
22 arbitration.

23 **(8) PUBLIC HEARING AND NOTICE.** If a public hearing is to be conducted under this
24 section, the department shall order a public hearing and the division of hearings and
25 appeals shall transmit copies of the written notice of hearing to each person who

SENATE BILL 45**SECTION 790**

1 received a notice of the preliminary decision under sub. (3) and to each person who
2 submitted a substantive written objection to the preliminary decision. The division
3 of hearings and appeals shall transmit these copies at least 20 days before the
4 hearing. The applicant shall then publish the notice as a class 1 notice under ch. 985
5 in a newspaper designated by the department that is likely to give notice in the area
6 affected. The applicant shall file proof of publication under this subsection with the
7 hearing examiner at or prior to the hearing.

8 **(9) JUDICIAL REVIEW.** Any decision issued by department staff under sub. (6),
9 any agreement approved by the department under sub. (6) or any decision by a
10 hearing examiner under this section is an administrative decision subject to judicial
11 review under ss. 227.52 to 227.58.

12 **(10) AMENDED DECISIONS.** The department shall amend or reverse a preliminary
13 decision instead of entering it as the final decision under sub. (5) (b) or (7) if, after
14 issuing its preliminary decision, the department receives information concerning the
15 permit or contract and if based on that information the department determines it is
16 necessary to amend or reverse its decision. If the department amends or reverses the
17 preliminary decision, the procedures in subs. (2) to (9) apply to this amended or
18 reversed preliminary decision.

19 **SECTION 791.** 30.12 (2) of the statutes is amended to read:

20 30.12 **(2) PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS;**
21 **GENERALLY.** The department, upon application and after ~~proceeding in accordance~~
22 ~~with s. 30.02 (3) and (4) issuing a preliminary decision and following the other~~
23 applicable procedures under s. 30.02, may grant to any riparian owner a permit to
24 build or maintain for the owner's use a structure otherwise prohibited under sub. (1),
25 if the structure does not materially obstruct navigation or reduce the effective flood

SENATE BILL 45**SECTION 791**

1 flow capacity of a stream and is not detrimental to the public interest. The
2 ~~procedures in this subsection do not apply to Applications for permits issued under~~
3 ~~sub. (3) are exempt from the procedures under s. 30.02.~~

4 **SECTION 792.** 30.12 (4) (a) of the statutes is amended to read:

5 30.12 (4) (a) Activities affecting waters of the state as defined in s. 281.01 (18)
6 that are carried out under the direction and supervision of the department of
7 transportation in connection with highway and, bridge or other transportation
8 project design, location, construction, reconstruction, maintenance and repair are
9 not subject to the prohibitions or permit or approval requirements specified under
10 this section or s. 29.601, 30.11, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231
11 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest
12 practical time prior to the commencement of these activities, the department of
13 transportation shall notify the department of the location, nature and extent of the
14 proposed work that may affect the waters of the state.

15 **SECTION 793.** 30.123 (3) of the statutes is amended to read:

16 30.123 (3) (a) Upon receipt of a complete application, the department shall
17 issue a preliminary decision and follow the notice and hearing provisions of other
18 applicable procedures under s. 30.02 (3) and (4), except that no notice or hearing is
19 required for.

20 (b) Notwithstanding par. (a) applications for proposed bridges which would
21 cross navigable waters less than 35 feet wide are exempt from the procedures under
22 s. 30.02.

23 **SECTION 794.** 30.135 (2) (a) of the statutes is renumbered 30.135 (2) and
24 amended to read:

SENATE BILL 45**SECTION 794**

1 30.135 (2) ~~NOTICE AND HEARING~~ DECISIONS AND PROCEDURE. Upon receipt of a
2 complete permit application, the department shall either order a hearing or provide
3 notice stating that it will proceed on the application without a hearing unless a
4 substantive written objection to issuance of the permit is received within 30 days
5 after publication of the notice. The department shall provide a copy of the notice to
6 the applicant for the permit, the clerk of each municipality in which the water ski
7 platform or water ski jump is to be located and to any other person required by law
8 to receive notice. The department may provide notice to other persons as it considers
9 appropriate. The applicant shall publish the notice as a class 1 notice under ch. 985
10 in a newspaper designated by the department that is likely to give notice in the area
11 affected. The applicant shall file proof of publication with the department issue a
12 preliminary decision and follow the other applicable procedures under s. 30.02 and
13 the rules promulgated under sub. (3).

14 **SECTION 795.** 30.135 (2) (b) of the statutes is repealed.

15 **SECTION 796.** 30.135 (2) (c) of the statutes is repealed.

16 **SECTION 797.** 30.135 (3) (a) of the statutes is renumbered 30.135 (3) and
17 amended to read:

18 30.135 (3) **RULES.** The department shall promulgate a rule listing specific
19 reasons that will support a substantive written objection to the placement of a water
20 ski platform or water ski jump. A notice of preliminary decision issued for the
21 placement of a water ski platform or water ski jump under s. 30.02 shall contain a
22 statement explaining what constitutes a substantive written objection and the list
23 of these specific reasons.

24 **SECTION 798.** 30.135 (3) (b) of the statutes is repealed.

25 **SECTION 799.** 30.135 (4) of the statutes is repealed.

SENATE BILL 45**SECTION 800**

1 **SECTION 800.** 30.14 (2) of the statutes is amended to read:

2 30.14 (2) HEARINGS BY DEPARTMENT. Upon complaint by any person to the
3 department that any wharf, pier or other structure exists in navigable water in
4 violation of s. 30.12 ~~or~~, 30.13 or ~~30.207~~ 30.206 or that any wharf, pier or other
5 structure proposed to be built in navigable water will violate s. 30.12 ~~or~~, 30.13 or
6 ~~30.207~~ 30.206, the department shall investigate and may hold a hearing to
7 determine whether the wharf, pier, or other structure is or would be in violation of
8 those sections. If no hearing is held, the complainant shall be informed of the results
9 of the investigation.

10 **SECTION 801.** 30.18 (4) (a) of the statutes is amended to read:

11 30.18 (4) (a) Upon receipt of a complete application, the department shall issue
12 a preliminary decision and follow the notice and hearing other applicable procedures
13 under s. 30.02 (3) ~~and~~ (4). In addition to the notice requirements under s. 30.02 (3)
14 ~~and~~ (4), the department shall mail a copy of the notice to every person upon whose
15 land any part of the canal or any other structure will be located, to the clerk of the
16 next town downstream, to the clerk of any village or city in which the lake or stream
17 is located and which is adjacent to any municipality in which the diversion will take
18 place and to each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

19 **SECTION 802.** 30.18 (8) of the statutes is amended to read:

20 30.18 (8) DEPARTMENT MAY RAISE WATER ELEVATIONS. If after examination and
21 investigation the department determines that it is necessary to raise water
22 elevations in any navigable stream or lake for conservation purposes, the
23 department may, if funds are available from any source other than license fees,
24 determine and establish the elevations to which the water may be raised or
25 maintained, but the water elevation may not be established below the normal

SENATE BILL 45**SECTION 802**

1 elevation. If any lands are damaged by raising the water levels above normal and,
2 the department cannot may acquire the lands or the right to flow the lands by
3 agreement with the owner, ~~the department may acquire the lands or the right to flow~~
4 ~~the lands by condemnation under ch. 32.~~

5 **SECTION 803.** 30.19 (3) (a) of the statutes is amended to read:

6 30.19 (3) (a) ~~Section 30.02 (3) and (4) applies to~~ For permit applications under
7 sub. (1) (b) and (c). ~~Notice shall be provided to the clerks of the county and~~
8 ~~municipality in which the project or affected body of water is located and, the~~
9 department shall issue a preliminary decision and follow the other applicable
10 procedures under s. 30.02. Permit applications under sub. (1) (a) are exempt from
11 the procedures under s. 30.02. In addition to notice required under s. 30.02 (3), the
12 department shall transmit a copy of the notice of its preliminary decision to the
13 persons under sub. (2) (e) who are not required to receive notice under s. 30.02 (3).
14 For any permit application which affects the Milwaukee River, the Menominee River,
15 the Kinnickinnic River, the Root River or any tributary of those rivers, special notice
16 ~~shall be given~~ the department shall transmit a copy of the notice of of its preliminary
17 decision to the Milwaukee metropolitan sewerage district. ~~The metropolitan~~
18 ~~sewerage district shall have 30 days to respond to the special notice.~~

19 **SECTION 804.** 30.195 (3) of the statutes is amended to read:

20 30.195 (3) GRANTING OF PERMIT. Upon application therefor and subject to sub.
21 (3m), the department shall grant a permit to the owner of any land to change the
22 course of or straighten a navigable stream on such land, if such change or
23 straightening will improve the economic or aesthetic value of the owner's land and
24 will not adversely affect the flood flow capacity of the stream or otherwise be
25 detrimental to public rights or to the rights of other riparians located on the stream.

SENATE BILL 45**SECTION 804**

1 If the department finds that the rights of such riparians will be adversely affected,
2 it may grant the permit only with their consent. ~~Such permit may be granted on the~~
3 ~~department's own motion after its own investigation or after public hearing and after~~
4 ~~giving prior notice of such investigation or hearing.~~

5 **SECTION 805.** 30.195 (3m) of the statutes is created to read:

6 30.195 (3m) NOTICE AND HEARING PROCEDURES. In determining whether to issue
7 a permit or to enter a contract under this section, the department shall follow the
8 applicable procedures under s. 30.02 and shall do one of the following:

9 (a) Follow the notice procedures under s. 30.02 (3) if the course of the stream
10 to be changed of the part of the stream to be straightened is less than 500 feet in
11 length.

12 (b) Follow the notice procedures under s. 30.02 (4) if the course of the stream
13 to be changed or the part of the stream to be straightened is 500 feet or more in length.

14 **SECTION 806.** 30.196 (intro.) of the statutes is amended to read:

15 **30.196 Enclosure of navigable waters; issuance of permits to**
16 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
17 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
18 or similar structure if the department grants the municipality a permit. The
19 department may grant this permit to a municipality after following the ~~notice and~~
20 ~~hearing requirements~~ applicable procedures under s. 30.02 (3) and (4) if it finds that
21 granting the permit:

22 **SECTION 807.** 30.20 (3) of the statutes is created to read:

23 30.20 (3) NOTICE AND HEARING PROCEDURES. In determining whether to issue a
24 permit or to enter a contract under this section, the department shall follow the
25 applicable procedures under s. 30.02 and shall do one of the following:

SENATE BILL 45**SECTION 807**

1 (a) Follow the notice procedures under s. 30.02 (3) if the amount of material to
2 be removed is less than 3,000 cubic yards.

3 (b) Follow the notice procedures under s. 30.02 (4) if the amount of material to
4 be removed is 3,000 cubic yards or more.

5 **SECTION 808.** 30.206 (1) of the statutes is amended to read:

6 30.206 (1) STANDARDS FOR ISSUING PERMITS. For activities which require a
7 permit, contract or other approval under ~~ss. 30.12 (3) (a) and 30.19 (1) (a)~~ this
8 chapter, the department may issue a general permit authorizing a class of activities,
9 ~~according to rules promulgated by the department~~ statewide or in a region of the
10 state. Before issuing general permits, the department shall determine, after an
11 environmental analysis and notice and hearing under ss. 227.17 and 227.18, that the
12 cumulative adverse environmental impact of the class of activity is insignificant and
13 that issuance of the general permit will not injure public rights or interest public
14 interests in navigable waters, cause environmental pollution, as defined in s. 299.01
15 (4), or result in material injury to the rights of any riparian owner.

16 **SECTION 809.** 30.206 (1r) (title) of the statutes is created to read:

17 30.206 (1r) (title) HEARINGS.

18 **SECTION 810.** 30.206 (1r) (b) of the statutes is created to read:

19 30.206 (1r) (b) Upon receipt of an application for a general permit, the
20 department shall either order a public hearing or provide notice stating that it will
21 proceed on the application without a hearing if, within 30 days after the publication
22 of the notice, no request for a hearing concerning the application is received. The
23 department shall provide a copy of the notice to the applicant for the permit, to the
24 clerk of each municipality in which the general permit will apply and to any other
25 person required by law to receive notice. The department may provide notice to other

SENATE BILL 45**SECTION 810**

1 persons as it considers appropriate. The applicant shall publish the notice as a class
2 1 notice under ch. 985 in any newspaper designated by the department that is likely
3 to give notice in any area to be affected. The applicants shall file proof of publication
4 with the department.

5 **SECTION 811.** 30.206 (1r) (c) of the statutes is created to read:

6 30.206 (1r) (c) If the department orders a public hearing, the division of
7 hearings and appeals shall mail a written notice at least 10 days before the hearing
8 to each person given a copy of the notice under par. (b) and to each person requesting
9 the hearing.

10 **SECTION 812.** 30.206 (1r) (d) of the statutes is created to read:

11 30.206 (1r) (d) The applicant for the permit shall publish a class 1 notice under
12 ch. 985 of the public hearing in any newspaper designated by the department that
13 is likely to give notice in any area to be affected. The applicant shall file proof of
14 publication under this paragraph with the hearing examiner at or prior to the
15 hearing.

16 **SECTION 813.** 30.206 (2) of the statutes is amended to read:

17 30.206 (2) CONDITIONS ON PERMITS. A general permit issued under this section
18 may include any conditions determined by the department to be reasonably
19 necessary to prevent environmental pollution, as defined in s. 299.01 (4), and to
20 protect the public ~~interest~~interests and public rights in navigable waters and the
21 rights of other riparian owners.

22 **SECTION 814.** 30.206 (3) of the statutes is repealed.

23 **SECTION 815.** 30.206 (3m) of the statutes is repealed.

24 **SECTION 816.** 30.206 (4) of the statutes is repealed.

25 **SECTION 817.** 30.206 (5) (title) of the statutes is created to read:

SENATE BILL 45**SECTION 817**

1 30.206 (5) (title) PERIOD OF VALIDITY; REVOCATIONS; TERMINATION OF STRUCTURES
2 OR ACTIVITIES.

3 **SECTION 818.** 30.206 (5) of the statutes is renumbered 30.206 (5) (c) and
4 amended to read:

5 30.206 (5) (c) Failure of an applicant for a general permit under this section to
6 follow the procedural requirements of under this section may result in forfeiture but
7 ~~may not, by itself, result in~~ and the department may seek abatement of the activity
8 if the department determines that the activity injures the public rights or public
9 interests in navigable waters.

10 **SECTION 819.** 30.206 (5) (a) of the statutes is created to read:

11 30.206 (5) (a) A general permit shall be valid for the period of time specified
12 by the department on the permit but may not be valid for longer than 5 years from
13 the date of issuance.

14 **SECTION 820.** 30.206 (5) (b) of the statutes is created to read:

15 30.206 (5) (b) The department may revoke a general permit if it determines
16 that any of the activities authorized under the general permit injures the public
17 rights or public interests in the navigable waters.

18 **SECTION 821.** 30.206 (5) (d) of the statutes is created to read:

19 30.206 (5) (d) A person may maintain structure or deposit that was placed in
20 a body of water or otherwise continue an activity under the authority of a general
21 permit issued under this section after a general permit expires or is revoked unless
22 the department determines that the structure, deposit or activity injures the public
23 rights or public interests in navigable waters and orders it removed or terminated.

24 **SECTION 822.** 30.206 (6) of the statutes is amended to read:

SENATE BILL 45**SECTION 822**

1 30.206 (6) OPTION TO REQUEST INDIVIDUAL PERMIT. A person proposing an activity
2 for which a general permit has been issued may request an individual permit under
3 the applicable provisions of this chapter ~~or ch. 31~~ in lieu of seeking authorization
4 under the general permit.

5 **SECTION 823.** 30.206 (7) of the statutes is repealed.

6 **SECTION 824.** 30.206 (8m) of the statutes is created to read:

7 30.206 (8m) **GENERAL PERMITS UNDER PILOT PROGRAM.** Any permit issued under
8 s. 30.207, 1997 stats., and in effect on the effective date of this subsection [revisor
9 inserts date], shall remain in effect. Subsections (3b), (5) and (6) apply to such a
10 permit.

11 **SECTION 825.** 30.207 (title) of the statutes is repealed.

12 **SECTION 826.** 30.207 (1) of the statutes is repealed.

13 **SECTION 827.** 30.207 (1m) of the statutes is repealed.

14 **SECTION 828.** 30.207 (2) of the statutes is repealed.

15 **SECTION 829.** 30.207 (3) (title) of the statutes is renumbered 30.206 (1g) (title)
16 and amended to read:

17 30.206 (1g) (title) **APPLICATION FOR GENERAL PERMIT PERMITS.**

18 **SECTION 830.** 30.207 (3) (a) of the statutes is renumbered 30.206 (1g) (a) and
19 amended to read:

20 30.206 (1g) (a) Any local entity, as defined in s. 30.77 (3) (dm), or any group of
21 10 riparian owners who will be affected by the issuance of a general permit, or any
22 contractor who is or has been involved in the construction of structures or along
23 navigable waters may apply for a municipality, public inland lake protection and
24 rehabilitation district or any town sanitary district may submit an application to the
25 department for general permit under this section authorizing one or more activities

SENATE BILL 45**SECTION 830**

1 statewide or in a region in which the municipality or district is located. Any group
2 of at least 10 riparian owners may submit an application for a general permit under
3 this section authorizing one or more activities statewide or in a region where the
4 riparian owners will be affected. The fee specified in s. 30.28 (2) (b) 1. shall
5 accompany the application.

6 **SECTION 831.** 30.207 (3) (b) of the statutes is repealed.

7 **SECTION 832.** 30.207 (3) (c) of the statutes is repealed.

8 **SECTION 833.** 30.207 (3) (d) (intro.) of the statutes is renumbered 30.206 (1g)
9 (b) (intro.).

10 **SECTION 834.** 30.207 (3) (d) 1. of the statutes is renumbered 30.206 (1g) (b) 1.

11 **SECTION 835.** 30.207 (3) (d) 2. of the statutes is renumbered 30.206 (1g) (b) 2.

12 and amended to read:

13 30.206 (1g) (b) 2. Specify the department's plans for proceeding on the
14 application. ~~The plans shall include a timetable for the notice and hearing required~~
15 ~~under sub. (4).~~

16 **SECTION 836.** 30.207 (4) of the statutes is repealed.

17 **SECTION 837.** 30.207 (5) of the statutes is renumbered 30.206 (1r) (a) and
18 amended to read:

19 30.206 (1r) (a) ~~If an activity for which an application for which a general permit~~
20 ~~has been submitted would be subject to the hearing and notice provisions under s.~~
21 ~~30.02 (3) and (4) for the issuance of an individual permit, the department shall~~
22 ~~comply with those provisions. Notice~~ The department shall follow the notice and
23 hearing shall be required on procedures under pars. (b) to (d) for an application for
24 a general permit under this section only if a notice and hearing are required under

SENATE BILL 45**SECTION 837**

1 ~~s. 30.02 (3) and (4) for the activity as part of an application for an individual permit~~
2 ~~under this chapter.~~

3 **SECTION 838.** 30.207 (6) of the statutes is repealed.

4 **SECTION 839.** 30.207 (7) (title) of the statutes is renumbered 30.206 (3b) (title)
5 and amended to read:

6 30.206 (3b) (title) ACTIVITIES UNDER GENERAL PERMITS.

7 **SECTION 840.** 30.207 (7) (a) of the statutes is renumbered 30.206 (3b) (a) and
8 amended to read:

9 30.206 (3b) (a) At least 15 days before beginning the activity that is authorized
10 by a general permit under this section, the person who wishes to conduct the activity
11 an activity for which the department has issued a general permit shall submit a
12 notice to the department and shall pay the fee specified in s. 30.28 (2) (b) 2. The notice
13 shall describe the activity, state the name of the person that will be conducting the
14 activity and ~~state the site~~ shall specify the location where the activity will be
15 conducted. The notice shall also contain a statement signed by the person conducting
16 the activity that the person will act in conformance with the standards contained in
17 the general permit.

18 **SECTION 841.** 30.207 (7) (b) of the statutes is renumbered 30.206 (3b) (b) and
19 amended to read:

20 30.206 (3b) (b) Upon receipt of a notice that complies with par. (a), the
21 department may inform the person that the activity may not be conducted under the
22 general permit if ~~conditions at the site where the activity would be conducted would~~
23 ~~cause adverse environmental impact, injure public rights and public interests or~~
24 ~~cause environmental pollution, as defined in s. 299.01 (4).~~ The department shall
25 ~~respond to the person within 15 days after receiving the notice. Failure of the~~

SENATE BILL 45**SECTION 841**

1 department to respond within 15 days shall constitute the department's approval of
2 the activity under the general permit in navigable waters.

3 **SECTION 842.** 30.207 (7) (c) of the statutes is renumbered 30.206 (3b) (c) and
4 amended to read:

5 30.206 (3b) (c) A person conducting an activity that is authorized by a general
6 permit under this section shall comply with any standard contained in an applicable
7 local ordinances ordinance that is at least as restrictive as the standards contained
8 in the general permit.

9 **SECTION 843.** 30.207 (8) of the statutes is repealed.

10 **SECTION 844.** 30.207 (9) (intro.) of the statutes is renumbered 30.279 and
11 amended to read:

12 **30.279 Access Departmental access to property.** For inspection the
13 purposes of administering and enforcing this chapter and the rules promulgated
14 under this chapter, an employe or agent of the department shall have free access
15 during reasonable hours to inspect any site where an project or activity is proposed
16 to be, is or has been authorized ~~under a general~~ undertaken pursuant to a permit
17 issued under this section if the employe or agent shows to any person who is present
18 at the site and who owns the site or is otherwise in control of the site either of the
19 following: or other approval or a contract under this chapter.

20 **SECTION 845.** 30.207 (9) (a) of the statutes is repealed.

21 **SECTION 846.** 30.207 (9) (b) of the statutes is repealed.

22 **SECTION 847.** 30.207 (10) of the statutes is repealed.

23 **SECTION 848.** 30.28 (1) of the statutes is amended to read:

24 30.28 (1) FEES REQUIRED. The department shall charge a permit or approval fee
25 for carrying out its duties and responsibilities under ss. 30.10 to ~~30.205, 30.207~~

SENATE BILL 45**SECTION 848**

1 30.206 and 30.21 to 30.27. The permit or approval fee shall accompany the permit
2 application, notice or request for approval.

3 **SECTION 849.** 30.28 (2) (b) 1. of the statutes is amended to read:

4 30.28 (2) (b) 1. For an application for a general permit submitted under s.
5 ~~30.207 (3)~~ 30.206 (1g), the fee shall be \$2,000.

6 **SECTION 850.** 30.28 (2) (b) 2. of the statutes is amended to read:

7 30.28 (2) (b) 2. For a notice submitted under s. ~~30.207 (7)~~ 30.206 (3b), the fee
8 shall be \$100.

9 **SECTION 851.** 30.28 (2m) (am) of the statutes is amended to read:

10 30.28 (2m) (am) The department shall refund 50% of the fee specified in sub.
11 (2) (b) 1. if the department denies an application for a general permit under s. ~~30.207~~
12 ~~(3) (d) 1. or does not issue a general permit under s. 30.207 (6)~~ 30.206 (1g).

13 **SECTION 852.** 30.28 (2m) (b) of the statutes is amended to read:

14 30.28 (2m) (b) If the applicant applies for a permit, requests an approval, or
15 submits a notice under s. ~~30.207 (7)~~ 30.206 (3b) after the project is begun or after it
16 is completed, the department shall charge an amount equal to twice the amount of
17 the fee that it would have charged under this section.

18 **SECTION 853.** 30.28 (2m) (d) of the statutes is amended to read:

19 30.28 (2m) (d) The department, by rule, may increase any fee specified in sub.
20 (2) (a). The department, by rule, may increase a fee specified in sub. (2) (b) only if
21 the increase is necessary to meet the costs incurred by the department in acting on
22 general permits or on notices submitted under s. ~~30.207~~ 30.206.

23 **SECTION 854.** 30.50 (4a) of the statutes is created to read:

SENATE BILL 45**SECTION 854**

1 30.50 (4a) “Expedited service” means a process under which a person is able
2 to renew a certificate of number or a certificate of registration in person and with only
3 one appearance at the site where certificates are renewed.

4 **SECTION 855.** 30.52 (1m) of the statutes is created to read:

5 30.52 (1m) RENEWALS. (a) *Agents*. For the renewal of certificates of number
6 or certificates of registration, the department may do any of the following:

7 1. Directly renew the certificates.

8 2. Appoint, as an agent of the department, the clerk of one or more counties to
9 renew the certificates.

10 3. Appoint persons who are not employes of the department to renew the
11 certificates as agents of the department.

12 (b) *Agent activities*. 1. The clerk of any county appointed under par. (a) 2. may
13 accept the appointment.

14 2. The department may promulgate rules regulating the activities of persons
15 appointed under par (a) 2. and 3.

16 (c) *Expedited service*. The department may establish an expedited service to
17 be provided by the department and agents appointed under par. (a) 2. or 3. for the
18 renewal of certificates of number or certificates of registration.

19 (d) *Fees*. In addition to the applicable renewal fee under sub. (3), the
20 department may authorize that a supplemental renewal fee of \$3 be collected for the
21 renewal of certificates of number or certificates of registration that are renewed in
22 any of the following manners:

23 1. By agents appointed under par. (a) 2. or 3.

24 2. By the department using the expedited service.

SENATE BILL 45**SECTION 855**

1 (e) *Remittal of fees.* An agent appointed under par. (a) 2. or 3. shall remit to the
2 department \$2 of each \$3 fee collected under par. (d). Any fees remitted to or collected
3 by the department under par. (d) shall be credited to the appropriation account under
4 s. 20.370 (9) (hu).

5 **SECTION 856.** 30.52 (2) of the statutes is amended to read:

6 30.52 (2) CERTIFICATION AND REGISTRATION PERIOD. The certification and
7 registration period runs for ~~2~~ 3 years, commencing on April 1 of the year in which the
8 certificate of number or registration is issued and, unless sooner terminated or
9 discontinued in accordance with this chapter, expiring on March 31 of the ~~2nd~~ 3rd
10 year after issuance. A certificate of number or registration is valid only for the period
11 for which it is issued.

12 **SECTION 857.** 30.52 (3) (b) of the statutes is amended to read:

13 30.52 (3) (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of
14 a certificate of number for a boat less than 16 feet in length is ~~\$11~~ \$16.50.

15 **SECTION 858.** 30.52 (3) (c) of the statutes is amended to read:

16 30.52 (3) (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the
17 issuance or renewal of a certificate of number for a boat 16 feet or more but less than
18 26 feet in length is ~~\$16~~ \$24.

19 **SECTION 859.** 30.52 (3) (d) of the statutes is amended to read:

20 30.52 (3) (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the
21 issuance or renewal of a certificate of number for a boat 26 feet or more but less than
22 40 feet in length is ~~\$30~~ \$45.

23 **SECTION 860.** 30.52 (3) (e) of the statutes is amended to read:

24 30.52 (3) (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal
25 of a certificate of number for a boat 40 feet or more in length is ~~\$50~~ \$75.

SENATE BILL 45**SECTION 861**

1 **SECTION 861.** 30.52 (3) (f) of the statutes is amended to read:

2 30.52 (3) (f) *Fee for nonmotorized sailboats.* Notwithstanding pars. (b) to (e),
3 the fee for the issuance or renewal of a certificate of number for a sailboat which is
4 not a motorboat is ~~\$10~~ \$15.

5 **SECTION 862.** 30.52 (3) (fm) of the statutes is amended to read:

6 30.52 (3) (fm) *Fee for voluntarily registered boats.* Notwithstanding pars. (b)
7 to (f), the fee for issuance or renewal of registration for a boat registered pursuant
8 to sub. (1) (b) 1m. is ~~\$6.50~~ \$9.75.

9 **SECTION 863.** 30.52 (3) (h) of the statutes is amended to read:

10 30.52 (3) (h) *Fee for issuance upon transfer of ownership.* Notwithstanding
11 pars. (b) to (g), the fee for the issuance of a certificate of number or registration to the
12 new owner upon transfer of ownership of a boat certified or registered under this
13 chapter by the previous owner is ~~\$2.50~~ \$3.75 if the certificate of number or
14 registration is issued for the remainder of the certification and registration period
15 for which the previous certificate of number or registration was issued.

16 **SECTION 864.** 30.52 (3) (i) of the statutes is amended to read:

17 30.52 (3) (i) *Fleet fees.* A person owning or holding 3 or more boats may, at the
18 person's option, pay a fleet rate for these boats instead of the fees which otherwise
19 would be payable under pars. (b) to (g). Notwithstanding pars. (b) to (g), the fee for
20 the issuance or renewal of certificates of number or registrations for boats under the
21 fleet rate is ~~\$18~~ \$27 plus 50% of the fees which would otherwise be applicable for the
22 boats under pars. (b) to (g).

23 **SECTION 865.** 30.52 (3) (im) of the statutes, as created by 1997 Wisconsin Act
24 198, is amended to read:

SENATE BILL 45**SECTION 865**

1 30.52 (3) (im) *Dealer or manufacturer fees.* A manufacturer or dealer in boats
2 may, at the manufacturer's or dealer's option, pay a fee of \$50 \$75 for the issuance
3 or renewal of a certificate of number.

4 **SECTION 866.** 30.74 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
5 198, is amended to read:

6 30.74 (1) (b) The department shall prescribe the course content, and the form
7 of the certificate ~~and may collect a fee from each person who enrolls in the course.~~
8 ~~The department may authorize instructors. An instructor~~ conducting such courses
9 ~~meeting standards established by it to retain a~~ course under this subsection shall
10 collect the instruction fee from each person who receives instruction. The
11 department may determine the portion of the this fee, which may not exceed 50%,
12 that the instructor may retain to defray expenses incurred ~~locally to operate the~~
13 ~~program~~ by the instructor in conducting the course. The instructor shall remit the
14 ~~remainder of the fee shall be retained by or, if nothing is retained, the entire fee to~~
15 ~~the department for the purpose of defraying a part of its expenses incurred to operate~~
16 ~~the program.~~ The department by rule shall set the fee for the course ~~and the amount~~
17 ~~of the fee that may be retained by instructors.~~

18 **SECTION 867.** 30.77 (3) (dm) 1. of the statutes is amended to read:

19 30.77 (3) (dm) 1. In this paragraph, "local entity" means a city, village, town,
20 county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit
21 conservation organization, as defined in s. 23.0955 (1), town sanitary district, public
22 inland lake protection and rehabilitation district or another local governmental unit,
23 as defined in s. 66.299 (1) (a), that is established for the purpose of lake management.

24 **SECTION 868.** 31.385 (title) of the statutes is amended to read:

SENATE BILL 45**SECTION 868**

1 **31.385** (title) ~~Dam maintenance, repair, modification, abandonment~~
2 ~~and removal safety; aid program.~~

3 **SECTION 869.** 31.385 (1) of the statutes is renumbered 31.385 (1m) and
4 amended to read:

5 **31.385 (1m)** The department shall promulgate the rules necessary to
6 administer a financial assistance program for municipalities and public inland lake
7 protection and rehabilitation districts for dam ~~maintenance, repair, modification,~~
8 ~~abandonment and removal~~ safety projects.

9 **SECTION 870.** 31.385 (1) of the statutes is created to read:

10 **31.385 (1)** In this section, “dam safety project” means the maintenance, repair,
11 modification, abandonment or removal of a dam to increase its safety or any other
12 activity that will increase the safety of a dam.

13 **SECTION 871.** 31.385 (2) (intro.) of the statutes is amended to read:

14 **31.385 (2)** (intro.) The following standards shall apply to financial assistance
15 under this section for dam ~~maintenance, repair, modification, abandonment and~~
16 ~~removal~~ safety projects:

17 **SECTION 872.** 31.385 (2) (a) of the statutes is amended to read:

18 **31.385 (2)** (a) State financial assistance for a dam safety project is limited to
19 no more than 50% of the cost of ~~a particular~~ the project involving dam maintenance,
20 ~~repair, modification, abandonment or removal~~ and no more than \$200,000 of state
21 financial assistance for a particular project.

22 **SECTION 873.** 31.385 (2) (ag) of the statutes is amended to read:

23 **31.385 (2)** (ag) Of the amounts appropriated under s. 20.866 (2) (tL), at least
24 \$250,000 shall be used for projects to remove dams that are less than 15 feet wide
25 high and that create impoundments of ~~50-acre-feet~~ 100 surface acres of water or less.

SENATE BILL 45**SECTION 873**

1 A project under this paragraph may include restoring the stream or river that was
2 dammed.

3 **SECTION 874.** 31.385 (2) (bm) of the statutes is created to read:

4 31.385 (2) (bm) The department may provide financial assistance for an
5 activity other than the maintenance, repair, modification, abandonment or removal
6 of the dam only if the cost of that activity will be less than the cost of the maintenance,
7 repair, modification or removal of the dam.

8 **SECTION 875.** 31.385 (2) (c) (intro.) of the statutes is amended to read:

9 31.385 (2) (c) (intro.) No financial assistance may be provided under this
10 section for ~~the maintenance, repair, modification, abandonment or removal~~ of a dam
11 safety project unless at least one of the following applies:

12 **SECTION 876.** 31.385 (2) (c) 1. of the statutes is amended to read:

13 31.385 (2) (c) 1. The department conducts an investigation or inspection of the
14 dam under this chapter and the owner of the dam requests financial assistance under
15 this section within 6 months after having received department directives, based on
16 the department's investigation or inspection of the dam, for the repair, modification
17 or abandonment and removal of the dam or for another activity to increase the safety
18 of the dam.

19 **SECTION 877.** 31.385 (3) of the statutes is amended to read:

20 31.385 (3) The department shall provide municipalities and public inland lake
21 protection and rehabilitation districts with technical assistance ~~in conducting for~~
22 ~~dam maintenance, repair, modification, abandonment and removal~~ safety projects
23 under this section. The department shall coordinate the financial assistance
24 program under this section with other related state and federal programs.

25 **SECTION 878.** 32.02 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 878**

1 32.02 (1) Any county, town, village, city, including villages and cities
2 incorporated under general or special acts, school district, the department of health
3 and family services, the department of corrections, the board of regents of the
4 university of Wisconsin system, ~~the building commission~~, a commission created by
5 contract under s. 66.30, with the approval of the municipality in which condemnation
6 is proposed, or any public board or commission, for any lawful purpose, but in the
7 case of city and village boards or commissions approval of that action is required to
8 be granted by the governing body. A mosquito control commission, created under s.
9 59.70 (12), may not acquire property by condemnation. The department of natural
10 resources may not acquire property by condemnation.

11 **SECTION 879.** 32.02 (16) of the statutes is repealed and recreated to read:

12 32.02 (16) The building commission, as specified in s. 13.48 (16), and, at the
13 request of the department of natural resources, for any public purpose.

14 **SECTION 880.** 32.05 (7) (d) of the statutes is amended to read:

15 32.05 (7) (d) On or before said date of taking, a check, naming the parties in
16 interest as payees, for the amount of the award less outstanding delinquent tax liens,
17 proportionately allocated as in division in redemption under ss. 74.51 and 75.01
18 when necessary and less the condemnee's prorated taxes of the same year, if any,
19 likewise proportionately allocated when necessary against the property taken, shall
20 at the option of the condemnor be mailed by certified mail to the owner or one of the
21 owners of record or be deposited with the clerk of the circuit court of the county for
22 the benefit of the persons named in the award. The clerk shall give notice thereof
23 by certified mail to such parties. The persons entitled thereto may receive their
24 proper share of the award by petition to and order of the circuit court of the county.
25 The petition shall be filed with the clerk of the court without fee.

SENATE BILL 45**SECTION 881**

1 **SECTION 881.** 32.05 (7) (e) of the statutes is created to read:

2 32.05 (7) (e) Notwithstanding par. (d), if the condemnor seeks less than a 50%
3 interest in the property under sub. (3) (b), the condemnor may choose not to subtract
4 the condemnee's prorated taxes of the same year, if any, from the award payment and
5 may include the condemnor's prorated taxes of the same year, if any, in the award
6 payment.

7 **SECTION 882.** 32.185 of the statutes is renumbered 32.185 (intro.) and amended
8 to read:

9 **32.185 Condemnor.** (intro.) "~~Condemnor~~", for the purposes of In ss. 32.19 to
10 32.27₂:

11 (1) Except as provided in sub. (2), "condemnor" means any:

12 (a) Any municipality, board, commission, public officer or corporation vested
13 with the power of eminent domain which acquires property for public purposes either
14 by negotiated purchase when authorized by statute to employ its powers of eminent
15 domain or by the power of eminent domain. "~~Condemnor~~" also means a displacing
16 agency. ~~In this section, "displacing agency" means any~~

17 (b) Any state agency, political subdivision of the state or person carrying out
18 a program or project with public financial assistance that causes a person to be a
19 displaced person, as defined in s. 32.19 (2) (e).

20 **SECTION 883.** 32.185 (2) of the statutes is created to read:

21 32.185 (2) "Condemnor" does not include the department of natural resources.

22 **SECTION 884.** 34.01 (2) (a) of the statutes is amended to read:

23 34.01 (2) (a) Any loss of public moneys, which have been deposited in a
24 designated public depository in accordance with this chapter, resulting from the
25 failure of any public depository to repay to any public depositor the full amount of

SENATE BILL 45**SECTION 884**

1 its deposit because the office of credit unions, administrator of federal credit unions,
2 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift
3 supervision, federal deposit insurance corporation, resolution trust corporation,
4 division of banking or division of savings and loan institutions has taken possession
5 of the public depository or because the public depository has, with the consent and
6 approval of the office of credit unions, administrator of federal credit unions, U.S.
7 office of thrift supervision, federal deposit insurance corporation, resolution trust
8 corporation, division of banking or division of savings and loan institutions, adopted
9 a stabilization and readjustment plan or has sold a part or all of its assets to another
10 credit union, bank, savings bank or savings and loan association which has agreed
11 to pay a part or all of the deposit liability on a deferred payment basis or because the
12 depository is prevented from paying out old deposits because of rules of the office of
13 credit unions, administrator of federal credit unions, U.S. comptroller of the
14 currency, federal home loan bank board, U.S. office of thrift supervision, federal
15 deposit insurance corporation, resolution trust corporation, division of banking or
16 division of savings and loan institutions.

17 **SECTION 885.** 34.10 of the statutes is amended to read:

18 **34.10 Reorganization and stabilization of financial institutions.**

19 Whenever the office of credit unions, administrator of federal credit unions, U.S.
20 comptroller of the currency, federal home loan bank board, U.S. office of thrift
21 supervision, federal deposit insurance corporation, resolution trust corporation,
22 division of banking or division of savings and loan institutions has taken charge of
23 a credit union, bank, savings bank or savings and loan association with a view of
24 restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting
25 the structure of any national or state credit union, bank, savings bank or savings and

SENATE BILL 45**SECTION 885**

1 loan association located in this state, and has approved a reorganization plan or a
2 stabilization and readjustment agreement entered into between the credit union,
3 bank, savings bank or savings and loan association and depositors and unsecured
4 creditors, or when a credit union, bank, savings bank or savings and loan association,
5 with the approval of the office of credit unions, administrator of federal credit unions,
6 U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift
7 supervision, federal deposit insurance corporation, resolution trust corporation,
8 division of banking or division of savings and loan institutions proposes to sell its
9 assets to another credit union, bank, savings bank or savings and loan association
10 which agrees to assume a part or all of the deposit liability of such selling credit
11 union, bank, savings bank or savings and loan association and to pay the same on
12 a deferred payment basis, the governing board of the public depositor may, on the
13 approval of the division of banking, join in the execution of any reorganization plan,
14 or any stabilization and readjustment agreement, or any depositor's agreement
15 relative to a proposed sale of assets if, in its judgment and that of the division of
16 banking, the reorganization plan or stabilization and readjustment agreement or
17 proposed sale of assets is in the best interest of all persons concerned. The joining
18 in any reorganization plan, or any stabilization and readjustment agreement, or any
19 proposed sale of assets which meets the approval of the division of banking does not
20 waive any rights under this chapter.

21 **SECTION 886.** 36.11 (6) (b) of the statutes is amended to read:

22 36.11 (6) (b) The board may not make a grant under par. (a) to a person if it
23 ~~receives a certification under s. 49.855 (7) that the person is delinquent in child~~
24 ~~support or maintenance payments or owes past support, medical expenses or birth~~
25 ~~expenses~~ whose name appears on the statewide support lien docket under s. 49.854

SENATE BILL 45**SECTION 886**

1 (2) (b), unless the person provides to the board a payment agreement that has been
2 approved by the county child support agency under s. 59.53 (5) and that is consistent
3 with rules promulgated under s. 49.858 (2) (a).

4 **SECTION 887.** 36.11 (36) of the statutes is created to read:

5 36.11 **(36)** AQUACULTURE DEMONSTRATION FACILITY. The board shall operate the
6 Ashland full-scale aquaculture demonstration facility authorized under 1999
7 Wisconsin Act (this act), section 9107 (1) (a) 1.

8 **SECTION 888.** 36.25 (5) (c) of the statutes is created to read:

9 36.25 **(5)** (c) If the secretary of administration determines that the federal
10 communications commission has approved the transfer of all broadcasting licenses
11 held by the educational communications board and the board of regents to the
12 corporation described under s. 39.81, this subsection does not apply on and after the
13 effective date of the last license transferred [revisor inserts date].

14 **SECTION 889.** 36.25 (14) of the statutes is amended to read:

15 36.25 **(14)** GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
16 program for minority and disadvantaged graduate students enrolled in the system.
17 The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The
18 board shall give preference in awarding grants under this subsection to residents of
19 this state. The board may not make a grant under this subsection to a person if it
20 ~~receives a certification under s. 49.855 (7) that the person is delinquent in child~~
21 ~~support or maintenance payments or owes past support, medical expenses or birth~~
22 ~~expenses~~ whose name appears on the statewide support lien docket under s. 49.854
23 (2) (b), unless the person provides to the board a payment agreement that has been
24 approved by the county child support agency under s. 59.53 (5) and that is consistent
25 with rules promulgated under s. 49.858 (2) (a).

SENATE BILL 45**SECTION 890**

1 **SECTION 890.** 36.25 (24) of the statutes is amended to read:

2 36.25 (24) EMPLOYE-OWNED BUSINESSES PROGRAM. Through the University of
3 Wisconsin small business development center, in cooperation with the department
4 of commerce under s. 560.07 (2m), the technical college system board and the
5 University of Wisconsin-extension, the board shall create, as needed, educational
6 programs to provide training in the management of employe-owned businesses and
7 shall provide technical assistance to employe-owned businesses in matters affecting
8 their management and business operations, including assistance with governmental
9 relations and assistance in obtaining management, technical and financial
10 assistance.

11 **SECTION 891.** 36.25 (30) of the statutes is amended to read:

12 36.25 (30) ~~HAZARDOUS POLLUTION~~ POLLUTION PREVENTION PROGRAM. The board
13 shall establish maintain in the extension a hazardous pollution prevention program
14 solid and hazardous waste education center to promote hazardous pollution
15 prevention, as defined in s. 299.13 (1) (e) (dm). In cooperation with the department
16 of natural resources and the department of commerce, the ~~program~~ center shall
17 conduct an education and technical assistance program to promote hazardous
18 pollution prevention in this state.

19 **SECTION 892.** 36.25 (32) (b) (intro.) of the statutes is amended to read:

20 36.25 (32) (b) (intro.) From the appropriation under s. 20.285 (1) (~~fs~~) (a), the
21 board shall award grants totaling not more than \$500 annually per county to
22 sponsors of farm safety education, training or information programs. To be eligible
23 for a grant, a sponsor shall:

24 **SECTION 893.** 36.27 (4) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 893**

1 36.27 (4) (a) In the 1993-94 to ~~1998-99~~ 2000-01 academic years, the board may
2 annually exempt from nonresident tuition, but not from incidental or other fees, up
3 to 200 students enrolled at the University of Wisconsin-Parkside as juniors or
4 seniors in programs identified by that institution as having surplus capacity and up
5 to 150 students enrolled at the University of Wisconsin-Superior in programs
6 identified by that institution as having surplus capacity.

7 **SECTION 894.** 36.34 (1) (b) of the statutes is amended to read:

8 36.34 (1) (b) The board shall establish a grant program for minority
9 undergraduates enrolled in the system. The board shall designate all grants under
10 this subsection as Lawton grants. Grants shall be awarded from the appropriation
11 under s. 20.285 (4) (dd). The board may not make a grant under this subsection to
12 a person if ~~it receives a certification under s. 49.855 (7) that the person is delinquent~~
13 ~~in child support or maintenance payments or owes past support, medical expenses~~
14 ~~or birth expenses~~ whose name appears on the statewide support lien docket under
15 s. 49.854 (2) (b), unless the person provides to the board a payment agreement that
16 has been approved by the county child support agency under s. 59.53 (5) and that is
17 consistent with rules promulgated under s. 49.858 (2) (a).

18 **SECTION 895.** 36.34 (2) of the statutes is repealed.

19 **SECTION 896.** 38.04 (18) of the statutes is created to read:

20 38.04 (18) STATEWIDE GUIDE. Annually, the board shall produce, and distribute
21 to students, parents, high school personnel and others, a guide containing
22 information on all of the technical colleges and their programs.

23 **SECTION 897.** 38.125 of the statutes is amended to read:

24 **38.125 Public broadcasting stations.** If the district board governing the
25 Milwaukee area technical college determines to relinquish its public broadcasting

SENATE BILL 45**SECTION 897**

1 licenses, it shall, subject to the approval of the federal communications commission,
2 offer to assign the licenses to the educational communications board, subject to
3 approval of the federal communications commission or, if all broadcasting licenses
4 held by the educational communications board and the board of regents of the
5 University of Wisconsin System have been transferred to the corporation described
6 under s. 39.81, to the corporation.

7 **SECTION 898.** 38.28 (1m) (a) 1. of the statutes is amended to read:

8 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
9 technical college district, including debt service charges for district bonds and
10 promissory notes for building programs or capital equipment, but excluding all
11 expenditures relating to auxiliary enterprises and community service programs, all
12 expenditures funded by or reimbursed with federal revenues, all receipts under ~~subs.~~
13 sub. (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r) and
14 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11),
15 38.26, 38.27, 38.33 and 38.38, all fees collected under s. 38.24 and driver education
16 and chauffeur training aids.

17 **SECTION 899.** 38.28 (2) (b) 5. of the statutes is created to read:

18 38.28 (2) (b) 5. The board shall reduce each district's aid payment under subd.
19 2. by the district's share of the amount necessary to produce and distribute the
20 statewide guide under s. 38.04 (18), as determined by the board.

21 **SECTION 900.** 38.28 (3) of the statutes is amended to read:

22 38.28 (3) ~~If the appropriation for state aid under s. 20.292 (1) (d) in any one year~~
23 ~~is insufficient to pay the full amount under sub. (2), state aid payments shall be~~
24 ~~prorated among the districts entitled thereto. If the appropriation for state aid under~~
25 ~~s. 20.292 (1) (fc) in any one year is insufficient to pay the full amount under subs. (2)~~

SENATE BILL 45**SECTION 900**

1 (c) and (g), funds in the appropriation shall be used first for the purposes of sub. (2)
2 (c) and any remaining funds shall be prorated among the districts entitled to support
3 under sub. (2) (g). If the appropriation for state aid under s. 20.292 (1) (fc) in any one
4 year is insufficient to pay the full amount under sub. (2) (c), funds in the
5 appropriation shall be prorated among the districts entitled to the funds.

6 **SECTION 901.** 38.28 (7) of the statutes is repealed.

7 **SECTION 902.** 38.42 (4) of the statutes is amended to read:

8 38.42 (4) RETRAINING FUND. (a) A consortium of telecommunications companies
9 shall agree to contribute \$3,000,000 to the telecommunications retraining fund over
10 a 3-year period beginning on July 20, 1994. If the retraining fund is depleted within
11 3 years and if requested by the telecommunications retraining board, the consortium
12 shall contribute up to an additional \$1,000,000.

13 (c) Moneys contributed under this subsection shall be credited to the
14 appropriation under s. 20.292 (1) (gt).

15 **SECTION 903.** 38.42 (4) (b) of the statutes is created to read:

16 38.42 (4) (b) If the telecommunications retraining board determines that
17 additional contributions from telecommunications companies are necessary to fund
18 grants awarded under this section in the 1999-2000 fiscal year, the consortium shall
19 contribute additional amounts determined by the telecommunications retraining
20 board.

21 **SECTION 904.** 38.42 (6) of the statutes is amended to read:

22 38.42 (6) SUNSET. This section does not apply after June 30, 1999 2000.

23 **SECTION 905.** 39.10 of the statutes is created to read:

24 **39.10 Applicability.** If the secretary of administration determines that the
25 federal communications commission has approved the transfer of all broadcasting

SENATE BILL 45**SECTION 905**

1 licenses held by the educational communications board and the board of regents of
2 the University of Wisconsin System to the corporation described under s. 39.81, this
3 subchapter does not apply on and after the effective date of the last license
4 transferred [revisor inserts date].

5 **SECTION 906.** 39.12 (4) of the statutes is amended to read:

6 39.12 (4) The board of directors of any corporation established under this
7 section shall consist of 5 members, including the executive director of the educational
8 communications board and 4 members of the educational communications board,
9 elected by the educational communications board, of which one shall be a legislator.
10 No 2 members of the board of directors may be from the same category of educational
11 communications board members under s. 15.57 (1) ~~to (7)~~.

12 **SECTION 907.** 39.285 (3) of the statutes is amended to read:

13 39.285 (3) By April 10, 1998, and annually thereafter, each tribally controlled
14 college in this state is requested to develop and submit to the board for its review
15 under sub. (1) a proposed formula for the awarding of grants under s. ~~39.30~~ 39.435,
16 except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year
17 to students enrolled at that tribally controlled college.

18 **SECTION 908.** 39.30 (2) (intro.) of the statutes is amended to read:

19 39.30 (2) ELIGIBILITY. (intro.) A resident student enrolled at least half-time and
20 registered as a freshman, sophomore, junior or senior in an accredited, nonprofit,
21 ~~post-high~~ post-high school, educational institution in this state ~~or in a tribally~~
22 ~~controlled college in this state~~ shall be eligible for grants under this section for each
23 semester of attendance, but:

24 **SECTION 909.** 39.30 (2) (e) of the statutes is amended to read:

SENATE BILL 45**SECTION 909**

1 39.30 (2) (e) The board may not make a grant to a student ~~if the board receives~~
2 ~~a certification under s. 49.855 (7) that the student is delinquent in child support or~~
3 ~~maintenance payments or owes past support, medical expenses or birth expenses~~
4 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
5 unless the student provides to the board a payment agreement that has been
6 approved by the county child support agency under s. 59.53 (5) and that is consistent
7 with rules promulgated under s. 49.858 (2) (a).

8 **SECTION 910.** 39.30 (2) (f) of the statutes is amended to read:

9 39.30 (2) (f) No grants may be awarded under this section unless the ~~applicable~~
10 formula submitted under s. 39.285 (2) ~~or (3)~~ is approved or modified by the board
11 under s. 39.285 (1).

12 **SECTION 911.** 39.30 (3) (g) of the statutes is repealed.

13 **SECTION 912.** 39.38 (2) of the statutes is amended to read:

14 39.38 (2) Grants under this section shall be based on financial need, as
15 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
16 which not more than \$1,100 may be from the appropriation under s. 20.235 (1) ~~(fb)~~
17 (k). State aid from this appropriation may be matched by a contribution from a
18 federally recognized American Indian tribe or band that is deposited in the general
19 fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall
20 be awarded to students for full-time or part-time attendance at any accredited
21 institution of higher education in this state. The board may not make a grant under
22 this section to a student ~~if the board receives a certification under s. 49.855 (7) that~~
23 ~~the student is delinquent in child support or maintenance payments or owes past~~
24 ~~support, medical expenses or birth expenses~~ whose name appears on the statewide
25 support lien docket under s. 49.854 (2) (b), unless the student provides to the board

SENATE BILL 45**SECTION 912**

1 a payment agreement that has been approved by the county child support agency
2 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
3 (a). Grants shall be renewable for up to 5 years if a recipient remains in good
4 academic standing at the institution that he or she is attending.

5 **SECTION 913.** 39.41 (title) of the statutes is repealed and recreated to read:

6 **39.41 (title) Governor's scholarship program.**

7 **SECTION 914.** 39.41 (9) of the statutes is created to read:

8 39.41 (9) In any printed material or other information disseminated or
9 otherwise distributed by the board, the scholarship program under this section shall
10 be referred to as the governor's scholarship program and scholars shall be referred
11 to as governor's scholars.

12 **SECTION 915.** 39.435 (1) of the statutes is amended to read:

13 39.435 (1) There is established, to be administered by the board, a higher
14 education grant program for postsecondary resident students enrolled at least
15 half-time and registered as freshmen, sophomores, juniors or seniors in accredited
16 institutions of higher education or in tribally controlled colleges in this state. Except
17 as authorized under sub. (5), such grants shall be made only to students enrolled in
18 nonprofit public institutions or tribally controlled colleges in this state.

19 **SECTION 916.** 39.435 (4) (a) of the statutes is amended to read:

20 39.435 (4) (a) The board shall ~~promulgate rules establishing policies and~~
21 ~~procedures for determining dependent and independent status and for the~~
22 ~~calculation of~~ award grants under this section based on a formula that accounts for
23 ~~expected parental and student contributions. The rules shall be~~ and is consistent
24 with generally accepted definitions and nationally approved needs analysis
25 methodology.

SENATE BILL 45**SECTION 917**

1 **SECTION 917.** 39.435 (4) (b) and (c) of the statutes are repealed.

2 **SECTION 918.** 39.435 (6) of the statutes is amended to read:

3 39.435 **(6)** The board may not make a grant under this section to a person if the
4 board receives a certification under s. 49.855 (7) that the person is delinquent in child
5 support or maintenance payments or owes past support, medical expenses or birth
6 expenses whose name appears on the statewide support lien docket under s. 49.854
7 (2) (b), unless the person provides to the board a payment agreement that has been
8 approved by the county child support agency under s. 59.53 (5) and that is consistent
9 with rules promulgated under s. 49.858 (2) (a).

10 **SECTION 919.** 39.44 (4) of the statutes is amended to read:

11 39.44 **(4)** The board shall notify an institution or school receiving funds under
12 sub. (2) if the board receives a certification under s. 49.855 (7) that a student is
13 delinquent in child support or maintenance payments or owes past support, medical
14 expenses or birth expenses a student's name appears on the statewide support lien
15 docket under s. 49.854 (2) (b). An institution or school may not award a grant under
16 this section to a student if it receives a notification under this subsection concerning
17 that student, unless the student provides to the institution or school a payment
18 agreement that has been approved by the county child support agency under s. 59.53
19 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

20 **SECTION 920.** 39.47 (2m) of the statutes is amended to read:

21 39.47 **(2m)** No resident of this state whose name appears on the statewide
22 support lien docket under s 49.854 (2) (b) may receive a waiver of nonresident tuition
23 under this section if the board receives a certification under s. 49.855 (7) that the
24 resident is delinquent in child support or maintenance payments or owes past
25 support, medical expenses or birth expenses, unless the resident provides to the

SENATE BILL 45**SECTION 920**

1 board a payment agreement that has been approved by the county child support
2 agency under s. 59.53 (5) and that is consistent with rules promulgated under s.
3 49.858 (2) (a).

4 **SECTION 921.** 39.51 (title) of the statutes is repealed and recreated to read:

5 **39.51 (title) School approvals.**

6 **SECTION 922.** 39.51 (1) (a) of the statutes is repealed.

7 **SECTION 923.** 39.51 (1) (e) of the statutes is renumbered 39.51 (1) (e) (intro.) and
8 amended to read:

9 39.51 (1) (e) (intro.) “School” ~~means any person, located within or outside this~~
10 ~~state, maintaining, advertising or conducting any course or course of instruction for~~
11 ~~profit or a tuition charge; but in subs. (7), (8) and (10) “school” means any private~~
12 ~~trade, correspondence, business or technical school not excepted under sub. (9), but~~
13 does not include any of the following:

14 **SECTION 924.** 39.51 (2) of the statutes is repealed.

15 **SECTION 925.** 39.51 (5) of the statutes is repealed.

16 **SECTION 926.** 39.51 (6) of the statutes is renumbered 45.35 (11), and 45.35 (11)
17 (a), as renumbered, is amended to read:

18 45.35 (11) (a) Except as provided in par. (b), the board department shall be the
19 state approval agency for the education and training of veterans and war orphans.
20 ~~It~~ The department shall approve and supervise schools and courses of instruction for
21 their training under Title 38, USC, and may enter into and receive money under
22 contracts with the U.S. department of veterans affairs or other appropriate federal
23 agencies. The department may promulgate rules that are necessary to carry out its
24 duties under this paragraph.

25 **SECTION 927.** 39.51 (9) (title) and (intro.) of the statutes are repealed.

SENATE BILL 45**SECTION 930**

1 (b) The articles of incorporation name as initial directors of the corporation the
2 secretary of administration; 2 representatives to the assembly and 2 senators,
3 chosen as are the members of standing committees in their respective houses; a
4 member of the board of regents of the University of Wisconsin System; and 3
5 individuals selected by the governor.

6 (c) No earlier than 30 days nor later than 45 days after the operational plan
7 under 1999 Wisconsin Act ... (this act), section 9101 (8) (c) is implemented, the initial
8 board of directors of the corporation submits an application to the federal
9 communications commission to transfer all broadcasting licenses held by the
10 educational communications board and the board of regents of the University of
11 Wisconsin System to the corporation.

12 **(3) BROADCASTING OPERATIONS.** The corporation under sub. (1) may receive state
13 aid for operational costs under s. 20.218 (1) (b) if all of the following conditions are
14 satisfied:

15 (a) The federal communications commission approves the application for the
16 transfer of all broadcasting licenses under sub. (2) (c), as determined by the secretary
17 of administration.

18 (b) The board of directors of the corporation offers employment beginning on
19 the effective date of the last broadcasting license transferred under par. (a) ...
20 [revisor inserts date], as determined by the secretary of administration, to those
21 individuals designated in the operational plan under 1999 Wisconsin Act ... (this
22 act), section 9101 (8) (c) 1.

23 (c) The board of directors of the corporation honors affiliation agreements for
24 broadcasting purposes entered into by the educational communications board and
25 the board of regents of the University of Wisconsin System.

SENATE BILL 45**SECTION 930**

1 (d) The board of directors of the corporation negotiates with the board of regents
2 of the University of Wisconsin System and the secretary of administration for the use
3 of state-owned equipment and space necessary for the operations of educational
4 radio and television networks.

5 (e) The secretary of administration approves any amendment to the
6 corporation's articles of incorporation or bylaws.

7 (f) The corporation permits public inspection and copying of any record of the
8 corporation, as defined in s. 19.32 (1), to the same extent as required of, and subject
9 to the same terms and enforcement provisions that apply to, an authority under
10 subch. II of ch. 19.

11 (g) The corporation provides public access to its meetings to the same extent
12 as is required of, and subject to the same terms and enforcement provisions that
13 apply to, a governmental body under subch. V of ch. 19.

14 (h) The corporation provides employees of the legislative audit bureau with
15 access to all of the corporation's records.

16 (4) AID PAYMENTS. The secretary of administration shall pay aid under sub. (3)
17 in instalments, as determined by the secretary.

18 **SECTION 931.** 40.02 (28) of the statutes is amended to read:

19 40.02 (28) "Employer" means the state, including each state agency, any
20 county, city, village, town, school district, other governmental unit or
21 instrumentality of 2 or more units of government now existing or hereafter created
22 within the state and any federated public library system established under s. 43.19
23 whose territory lies within a single county with a population of 500,000 or more,
24 except as provided under ss. 40.51 (7) and 40.61 (3), or a local exposition district

SENATE BILL 45**SECTION 931**

1 created under subch. II of ch. 229 or a family care district created under s. 46.2895.

2 Each employer shall be a separate legal jurisdiction for OASDHI purposes.

3 **SECTION 932.** 40.02 (36) of the statutes is amended to read:

4 40.02 (36) "Governing body" means the legislature or the head of each state
5 agency with respect to employes of that agency for the state, the common council in
6 cities, the village board in villages, the town board in towns, the county board in
7 counties, the school board in school districts, or the board, commission or other
8 governing body having the final authority for any other unit of government, for any
9 agency or instrumentality of 2 or more units of government, for any federated public
10 library system established under s. 43.19 whose territory lies within a single county
11 with a population of 500,000 or more ~~or~~, for a local exposition district created under
12 subch. II of ch. 229 or for a family care district created under s. 46.2895.

13 **SECTION 933.** 40.02 (37) of the statutes is renumbered 40.02 (37) (intro.) and
14 amended to read:

15 40.02 (37) (intro.) "Health insurance" means ~~contractual~~ any of the following:

16 (a) Contractual arrangements which may include, but are not limited to,
17 indemnity or service benefits, or prepaid comprehensive health care plans, which
18 will provide full or partial payment of the financial expense incurred by employes
19 and dependents as the result of injury, illness or preventive medical procedures. The
20 plans may include hospitalization, surgical and medical care, as well as ancillary
21 items or services as determined by the group insurance board. The plans may
22 include the type of coverage normally referred to as "major medical" insurance.

23 **SECTION 934.** 40.02 (37) (b) of the statutes is created to read:

24 40.02 (37) (b) For the purpose of health insurance premium credits under ss.
25 40.05 (4) (b), (bc), (bd), (be), (bf), (bm), (bp) and (bw) and 40.95, group health

SENATE BILL 45**SECTION 934**

1 insurance within the meaning of par. (a) which is contracted or provided by the group
2 insurance board under s. 40.03 (6) (a) or (b), including health care coverage under ss.
3 40.51 and 40.52, and, to the extent permitted by rules promulgated by the
4 department, health insurance provided by a county pursuant to an election to remain
5 covered under s. 753.07 (4) or 978.12 (6), including continuation coverage under s.
6 632.897 or federal law, but not conversion coverage.

7 **SECTION 935.** 40.02 (48) (am) of the statutes is amended to read:

8 40.02 (48) (am) “Protective occupation participant” includes any participant
9 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
10 is a conservation warden, conservation patrol boat captain, conservation patrol boat
11 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
12 member of the state traffic patrol, state motor vehicle inspector, police officer, fire
13 fighter, sheriff, undersheriff, deputy sheriff, state probation and parole officer,
14 county traffic police officer, state forest ranger, fire watcher employed by the
15 Wisconsin veterans home, state correctional–psychiatric officer, excise tax
16 investigator employed by the department of revenue, special criminal investigation
17 agent in the department of justice, assistant or deputy fire marshal, or person
18 employed under s. 61.66 (1).

19 **SECTION 936.** 40.02 (48) (b) 4. of the statutes is created to read:

20 40.02 (48) (b) 4. A “member of the state traffic patrol” includes one division
21 administrator in the department of transportation who is counted under s. 230.08
22 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division
23 administrator is certified by the law enforcement standards board under s. 165.85
24 (4) (b) 1. as being qualified to be a law enforcement officer.

25 **SECTION 937.** 40.02 (54) (a) of the statutes is repealed.

SENATE BILL 45**SECTION 938**

1 **SECTION 938.** 40.03 (2) (rm) of the statutes is created to read:

2 40.03 (2) (rm) May promulgate rules, which do not conflict with the exclusion
3 from income under section 106 of the Internal Revenue Code, for including additional
4 health insurance plans under s. 40.02 (37) (b).

5 **SECTION 939.** 40.04 (2) (d) of the statutes is amended to read:

6 40.04 (2) (d) The costs of investing the assets of the benefit plans and
7 retirement systems, including all costs due to s. 40.03 (1) (n), and the costs of legal
8 services authorized under s. 40.03 (1) (c) shall be paid from the appropriation under
9 s. 20.515 (1) (r) and charged directly against the appropriate investment income or
10 reserve accounts of the benefit plan or retirement system receiving the services.

11 **SECTION 940.** 40.08 (6) (e) of the statutes is repealed and recreated to read:

12 40.08 (6) (e) Pursuant to rules promulgated by the department and at a rate
13 of interest established by rule, the department may credit interest on moneys
14 refunded or credited under this subsection.

15 **SECTION 941.** 40.08 (7) (c) of the statutes is amended to read:

16 40.08 (7) (c) If Pursuant to rules promulgated by the department and at a rate
17 of interest established by rule, if an annuity underpayment exceeding exceeds the
18 limits in par. (a) ~~has not been corrected for at least 12 months~~, the payment to the
19 annuitant to correct the underpayment shall include 0.4% interest on the amount of
20 the underpayment ~~for each full month during the period beginning on the date on~~
21 ~~which the underpayment occurred and ending on the date on which the~~
22 ~~underpayment is corrected.~~

23 **SECTION 942.** 40.24 (1) (e) of the statutes is amended to read:

24 40.24 (1) (e) A reduced annuity payable in the normal form or any of the
25 optional life forms provided under this section, plus a temporary annuity payable

SENATE BILL 45**SECTION 942**

1 monthly but terminating with the payment payable in the month following the
2 month in which the annuitant attains age 62 or, if earlier, ~~on the death of the~~
3 ~~annuitant~~ the annuitant dies before attaining age 62, in the month in which the
4 annuitant would have attained age 62. It is the intent of this option that so far as
5 is practicable the amounts of the life annuity and temporary annuity shall be
6 determined so that the annuitant's total anticipated benefits from the fund and from
7 his or her primary OASDHI benefit will be the same each month both before and after
8 attainment of age 62.

9 **SECTION 943.** 40.25 (6) (a) 2. of the statutes is amended to read:

10 40.25 (6) (a) 2. ~~Applications~~ A participating employe may submit one or more
11 applications for reestablishment of creditable service ~~must include all creditable~~
12 ~~service that has been forfeited except that the,~~ except that a participating employe
13 may not submit more than 2 applications in each calendar year. A participating
14 employe may apply for all or part of the creditable service that he or she has forfeited,
15 subject to rules promulgated by the department. The total number of years which
16 may be reestablished under this subsection may not be greater than the creditable
17 service of the participating employe at the date of application, or 10 years, whichever
18 is smaller. The department must receive an application for reestablishment of
19 creditable service under this subsection and the required payment no later than the
20 date the participating employe terminates employment with a participating
21 employer.

22 **SECTION 944.** 40.25 (6) (a) 3. of the statutes is amended to read:

23 40.25 (6) (a) 3. The participating employe applying for forfeited creditable
24 service under this subsection shall pay to the fund an amount equal to the employe's
25 statutory contribution on earnings under s. 40.05 (1) (a) for each year of forfeited

SENATE BILL 45**SECTION 944**

1 service to be reestablished, based upon the participating employe's final average
2 earnings, determined as if the employe retired on the date the department receives
3 the application. The department must receive the application and the amount
4 payable under this subdivision shall be paid in a lump sum payment, except that the
5 department may, by rule, permit a participating employe to reestablish creditable
6 service by making payments over a period of more than one year no later than the
7 date the participating employe terminates employment with a participating
8 employe. No employer may pay any amount payable under this subdivision on
9 behalf of any participating employe.

10 **SECTION 945.** 41.11 (4m) of the statutes is created to read:

11 41.11 (4m) ACCESS TO CUSTOMER INFORMATION; FEES. Notwithstanding s. 19.35,
12 the department may refuse to reveal names, addresses and related demographic
13 information maintained on any list that the department has compiled of persons who
14 have requested information about travel opportunities in the state.
15 Notwithstanding s. 19.71, if the department provides information from a list of
16 persons requesting travel information, the department may charge the person
17 requesting the information a fee to recover the department's actual costs of compiling
18 and providing the information. The department may reduce or waive the fee under
19 this subsection if the department determines that the reduction or waiver is in the
20 public interest.

21 **SECTION 946.** 44.20 (1) of the statutes is amended to read:

22 44.20 (1) The historical society shall operate and maintain the historic sites
23 known as Stonefield Village, Pendarvis, Villa Louis, Old Wade House, Madeline
24 Island, Old World Wisconsin, Northern Great Lakes Center and, if the First Capitol

SENATE BILL 45**SECTION 946**

1 state park has been transferred to the historical society under 1993 Wisconsin Act
2 16, section 9142 (1e), First Capitol.

3 **SECTION 947.** 44.53 (1) (fm) of the statutes is created to read:

4 44.53 (1) (fm) Conduct a program identical to that described in par. (f), but only
5 for American Indian individuals and groups. The program shall be funded from the
6 appropriation under s. 20.215 (1) (km).

7 **SECTION 948.** 44.53 (2) (am) of the statutes is created to read:

8 44.53 (2) (am) Enter into contracts with American Indian individuals,
9 organizations and institutions and American Indian tribal governments for services
10 furthering the development of the arts and humanities.

11 **SECTION 949.** 44.70 (2g) of the statutes is created to read:

12 44.70 (2g) “Educational agency” means a school district, private school,
13 cooperative educational service agency, technical college district, private college,
14 public library system, public library board, the Wisconsin School for the Visually
15 Handicapped or the Wisconsin School for the Deaf.

16 **SECTION 950.** 44.70 (3e) of the statutes is created to read:

17 44.70 (3e) “Political subdivision” means any city, village, town or county.

18 **SECTION 951.** 44.70 (3m) of the statutes is created to read:

19 44.70 (3m) “Public library system” has the meaning given in s. 43.01 (5).

20 **SECTION 952.** 44.70 (5) of the statutes is created to read:

21 44.70 (5) “Universal service fund” means the trust fund established under s.
22 25.95.

23 **SECTION 953.** 44.71 (2) of the statutes is renumbered 44.71 (2) (a), and 44.71

24 (2) (a) 5. and 8., as renumbered, are amended to read:

SENATE BILL 45**SECTION 953**

1 44.71 (2) (a) 5. Subject to s. ~~196.218 (4r) (f)~~ 44.73 (5), in cooperation with the
2 department and the ~~public service commission~~, provide telecommunications access
3 to ~~school districts, private schools, cooperative educational service agencies,~~
4 ~~technical college districts, private colleges and public library boards~~ educational
5 agencies under the program established under s. ~~196.218 (4r)~~ 44.73.

6 8. Purchase educational technology equipment for use by school districts,
7 cooperative educational service agencies and public educational institutions in this
8 state and permit the districts, agencies and institutions to purchase or lease the
9 equipment, with an option to purchase the equipment at a later date. This paragraph
10 subdivision does not require the purchase or lease of any educational technology
11 equipment from the board.

12 **SECTION 954.** 44.71 (2) (bm) of the statutes is created to read:

13 44.71 (2) (bm) The board may contract with the Wisconsin advanced
14 telecommunications foundation to provide administrative services to the foundation.

15 **SECTION 955.** 44.72 (1) (a) of the statutes is amended to read:

16 44.72 (1) (a) Award grants to applicants on a competitive basis through one
17 funding cycle annually, except that the board shall ensure that at least one grant is
18 awarded annually to an applicant located in the territory of each cooperative
19 educational service agency.

20 **SECTION 956.** 44.72 (2) (b) 3. of the statutes is repealed.

21 **SECTION 957.** 44.72 (2) (e) of the statutes is amended to read:

22 44.72 (2) (e) The board shall distribute the grants under par. (b) 2. ~~and 3.~~
23 annually on the first Monday in February.

24 **SECTION 958.** 44.72 (4) (title) of the statutes is amended to read:

SENATE BILL 45**SECTION 958**

1 44.72 (4) (title) ~~SUBSIDIZED—EDUCATIONAL~~ EDUCATIONAL TECHNOLOGY
2 INFRASTRUCTURE ~~LOANS~~ FINANCIAL ASSISTANCE.

3 **SECTION 959.** 44.72 (4) (a) of the statutes is amended to read:

4 44.72 (4) (a) ~~Subsidized loans~~ Financial assistance authorized. The board may
5 ~~make subsidized loans~~ provide financial assistance under this subsection to school
6 districts from the proceeds of public debt contracted under s. 20.866 (2) (zc) and to
7 public library boards from the proceeds of public debt contracted under s. 20.866 (2)
8 (zcm). ~~Subsidized loans~~ Financial assistance under this subsection may be used only
9 for the purpose of upgrading the electrical wiring of school and library buildings in
10 existence on October 14, 1997, and installing and upgrading computer network
11 wiring.

12 **SECTION 960.** 44.72 (4) (b) of the statutes is amended to read:

13 44.72 (4) (b) ~~Subsidized loan~~ Financial assistance applications, terms and
14 conditions. The board shall establish application procedures for, and the terms and
15 conditions of, ~~subsidized loans~~ financial assistance under this subsection. The board
16 shall make a loan to a school district or public library board in an amount equal to
17 50% of the total amount of financial assistance for which the board determines the
18 school district or public library board is eligible and provide a grant to the school
19 district or public library board for the remainder of the total. The terms of any
20 financial assistance under this subsection may include provision of professional
21 building construction services under s. 16.85 (15). The board shall determine the
22 interest rate on ~~these loans~~ under this subsection. The interest rate shall be as low
23 as possible but shall be sufficient to fully pay all interest expenses incurred by the
24 state in making the loans and to provide reserves that are reasonably expected to be
25 required in the judgment of the board to ensure against losses arising from

SENATE BILL 45**SECTION 960**

1 delinquency and default in the repayment of subsidized the loans. The term of a
2 subsidized loan under this subsection may not exceed 10 years.

3 **SECTION 961.** 44.72 (4) (c) of the statutes is amended to read:

4 44.72 (4) (c) *Repayment of subsidized loans.* ~~A school district's or public library~~
5 ~~board's total payments on a loan made under this subsection shall be equal to 50%~~
6 ~~of the total debt service on the loan, as determined by the board. A school district or~~
7 ~~public library board is not obligated to pay the remaining 50% of the debt service on~~
8 ~~the loan. The board shall credit all moneys received from school districts under this~~
9 ~~paragraph for repayment of loans under this subsection~~ to the appropriation account
10 under s. 20.275 (1) (h). The board shall credit all moneys received from public library
11 boards ~~under this paragraph for repayment of loans under this subsection~~ to the
12 appropriation account under s. 20.275 (1) (hb).

13 **SECTION 962.** 44.72 (4) (d) of the statutes is amended to read:

14 44.72 (4) (d) *Funding for subsidized loans financial assistance.* The board, with
15 the approval of the governor and subject to the limits of s. 20.866 (2) (zc) and (zcm),
16 may request that the building commission contract public debt in accordance with
17 ch. 18 to fund loans financial assistance under this subsection.

18 **SECTION 963.** 44.72 (5) of the statutes is created to read:

19 44.72 (5) FOREIGN LANGUAGE INSTRUCTION GRANTS. (a) Beginning in the 2000-01
20 fiscal year, the board shall award at least one grant in each fiscal year, on a
21 competitive basis, to an educational organization or consortium of educational
22 organizations for the development and implementation of a foreign language
23 instruction program in a public school in grades kindergarten to 6.

24 (b) The board shall award grants under par. (a) from the appropriation under
25 s. 20.275 (1) (b). The board may not award a grant to an organization or consortium

SENATE BILL 45**SECTION 963**

1 of organizations unless the foreign language instruction is provided to pupils using
2 data lines or video links for which access is provided under s. 44.73 (1) or for which
3 a grant is awarded under s. 44.73 (6).

4 (c) The board shall promulgate rules defining “educational organization” for
5 the purposes of this subsection.

6 **SECTION 964.** 44.73 (2g) of the statutes is created to read:

7 44.73 (2g) An educational agency that is provided access to a data line under
8 the program established under sub. (1) may not do any of the following:

9 1. Provide access to the data line to any business entity, as defined in s. 13.62
10 (5).

11 2. Request access to an additional data line for purposes of providing access to
12 bandwidth to a political subdivision under a shared service agreement under sub.
13 (2r) (a).

14 **SECTION 965.** 44.73 (2r) of the statutes is created to read:

15 44.73 (2r) (a) An educational agency that is provided access to a data line under
16 the program established under sub. (1) may enter into a shared service agreement
17 with a political subdivision that provides the political subdivision with access to any
18 excess bandwidth on the data line that is not used by the educational agency. A
19 shared service agreement under this subdivision is not valid unless the agreement
20 allows an educational agency to cancel the agreement at any time after providing
21 notice to the political subdivision.

22 (b) A political subdivision that obtains access to bandwidth under a shared
23 service agreement under par. (a) may not receive compensation for providing any
24 other person with access to the bandwidth.

SENATE BILL 45**SECTION 965**

1 (c) An educational agency shall provide the board with written notice within
2 30 days after entering into or modifying a shared service agreement under par. (a).

3 **SECTION 966.** 45.01 of the statutes is amended to read:

4 **45.01 Wisconsin veterans museum; ~~space for.~~** The department of
5 administration shall provide suitable space for the purpose of a memorial hall,
6 designated as the Wisconsin veterans museum, dedicated to the men and women of
7 Wisconsin who served in the armed forces of the United States in the civil war of 1861
8 to 1865 or who ~~meets~~ meet one of the conditions listed in s. 45.35 (5) (a) 1. a. to d.,
9 and the department of veterans affairs shall operate and conduct the Wisconsin
10 veterans museum. The mission of the Wisconsin veterans museum is to
11 acknowledge, commemorate and affirm the role of Wisconsin veterans in the United
12 States of America's military past by means of instructive exhibits and other
13 educational programs.

14 **SECTION 967.** 45.25 (1) of the statutes is amended to read:

15 45.25 (1) ADMINISTRATION. The department of veterans affairs shall administer
16 a tuition and fee reimbursement program for eligible veterans enrolling as
17 undergraduates in any institution ~~within the university of Wisconsin system,~~
18 ~~enrolling in any technical college under ch. 38~~ of higher education, as defined in s.
19 45.396 (1) (a), in this state or receiving a waiver of nonresident tuition under s. 39.47.

20 **SECTION 968.** 45.25 (2) (d) of the statutes is amended to read:

21 45.25 (2) (d) The individual is a resident at the time of application for the
22 tuition and fee reimbursement program and was a Wisconsin resident at the time of
23 entry or reentry into service or was a resident for any consecutive 5-year period after
24 ~~completing entry or reentry into service on active duty~~ and before the time date of
25 his or her application. If a person applying for a benefit under this section meets that

SENATE BILL 45**SECTION 968**

1 5-consecutive-year residency requirement, the department may not require the
2 person to reestablish that he or she meets the 5-consecutive-year residency
3 requirement when he or she later applies for any other benefit under this chapter
4 that requires a 5-consecutive-year residency.

5 **SECTION 969.** 45.25 (2) (e) of the statutes is created to read:

6 45.25 (2) (e) The individual is enrolled for at least 12 credits during the
7 semester for which reimbursement is sought.

8 **SECTION 970.** 45.25 (3) (a) of the statutes is amended to read:

9 45.25 (3) (a) Except as provided in par. (am), an individual who meets the
10 requirements under sub. (2), upon satisfactory completion of ~~an~~ a full-time
11 undergraduate semester in any institution ~~within the university of Wisconsin~~
12 ~~system or a semester at any technical college district school under ch. 38~~ of higher
13 education, as defined in s. 45.396 (1) (a), in this state or any institution from which
14 the individual receives a waiver of nonresident tuition under s. 39.47, may be
15 reimbursed for up to ~~50%~~ 65% of the individual's tuition and fees, ~~but that.~~ The
16 reimbursement under this paragraph is limited to a maximum of ~~50%~~ 65% of the
17 standard cost for a state resident for an equivalent undergraduate course at the
18 University of Wisconsin-Madison per course or the difference between the
19 individual's tuition and fees and the grants or scholarships, including those made
20 under s. 21.49, that the individual receives specifically for the payment of the tuition
21 or fees, whichever is less. Reimbursement is available only for tuition and fees that
22 are part of a curriculum that is relevant to a degree in a particular course of study
23 at the institution ~~or school~~.

24 **SECTION 971.** 45.25 (3) (am) of the statutes is amended to read:

SENATE BILL 45**SECTION 971**

1 45.25 (3) (am) A disabled individual who meets the requirements under sub.
2 (2) and whose disability is rated at 30% or more under 38 USC 1114 or 1134, upon
3 satisfactory completion of an undergraduate semester in any institution ~~within the~~
4 ~~university of Wisconsin system or a semester at any technical college district school~~
5 ~~under ch. 38 of higher education, as defined in s. 45.396 (1) (a), in this state or any~~
6 institution from which the individual receives a waiver of nonresident tuition under
7 s. 39.47, may be reimbursed for up to 100% of the individual's tuition and fees, but
8 ~~that. The reimbursement under this paragraph~~ is limited to 100% of the standard
9 cost for a state resident for an equivalent undergraduate course at the University of
10 Wisconsin-Madison per course, or the difference between the individual's tuition
11 and fees and the grants or scholarships, including those made under s. 21.49, that
12 the individual receives specifically for the payment of the tuition or fees, whichever
13 is less. Reimbursement is available only for tuition and fees that are part of a
14 curriculum that is relevant to a degree in a particular course of study at the
15 institution ~~or school.~~

16 **SECTION 972.** 45.25 (4) (a) of the statutes is amended to read:

17 45.25 (4) (a) An individual is not eligible for reimbursement under sub. (2) for
18 more than 120 credits of ~~part-time study~~ or 8 full semesters of full-time study at any
19 institution ~~within the university of Wisconsin system~~ of higher education, as defined
20 in s. 45.396 (1) (a), in this state, 60 credits of part-time study or 4 full semesters of
21 full-time study at a technical college under ch. 38 any institution of higher
22 education, as defined in s. 45.396 (1) (a), in this state that offers a degree upon
23 completion of 60 credits, or an equivalent amount of credits at an institution where
24 he or she is receiving a waiver of nonresident tuition under s. 39.47.

25 **SECTION 973.** 45.25 (4) (b) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 973**

1 45.25 (4) (b) (intro.) The department may provide reimbursement under sub.
2 (2) to an individual who is delinquent in child support or maintenance payments or
3 who owes past support, medical expenses or birth expenses, as established by the
4 ~~receipt by the department of a certification under s. 49.855~~ appearance of the
5 individual's name on the statewide support lien docket under s. 49.854 (2) (b), only
6 if the individual provides the department with one of the following:

7 **SECTION 974.** 45.25 (4) (b) 2. of the statutes is amended to read:

8 45.25 (4) (b) 2. A statement that the individual is not delinquent in child
9 support or maintenance payments and does not owe past support, medical expenses
10 or birth expenses, signed by the ~~clerk of circuit court~~ department of workforce
11 development or its designee within 7 working days before the date of the application.

12 **SECTION 975.** 45.35 (5) (a) 2. c. of the statutes is amended to read:

13 45.35 (5) (a) 2. c. Has been a resident of this state for any consecutive 5–year
14 period after ~~completing~~ entry or reentry into service ~~on active duty~~ and before the
15 date of his or her application or death. If a person applying for a benefit under this
16 subchapter meets that 5–consecutive–year residency requirement, the department
17 may not require the person to reestablish that he or she meets the
18 5–consecutive–year residency requirement when he or she later applies for any other
19 benefit under this chapter that requires a 5–consecutive–year residency.

20 **SECTION 976.** 45.35 (14) (h) of the statutes is created to read:

21 45.35 (14) (h) To provide grants to the governing bodies of federally recognized
22 American Indian tribes and bands from the appropriation under s. 20.485 (2) (km)
23 for the creation of a model program that helps American Indians overcome barriers
24 to the receipt of federal and state veterans benefits.

25 **SECTION 977.** 45.35 (15) of the statutes is amended to read:

SENATE BILL 45**SECTION 977**

1 45.35 (15) LIBERAL CONSTRUCTION INTENDED. This section, ss. 45.25, 45.351,
2 45.356 and 45.37 and subch. II shall be construed as liberally as the language
3 permits in favor of applicants.

4 **SECTION 978.** 45.351 (4) of the statutes is created to read:

5 45.351 (4) ANNUAL EXPENDITURE. The total of grants made under sub. (1j) may
6 not exceed \$1,200,000 in any fiscal year.

7 **SECTION 979.** 45.356 (6) (intro.) of the statutes is amended to read:

8 45.356 (6) (intro.) The department may provide a loan under this section ~~after~~
9 ~~the department receives a certification under s. 49.855 (7) that the applicant is~~
10 ~~delinquent in child support or maintenance payments or owes past support, medical~~
11 ~~expenses or birth expenses~~ to an applicant whose name appears on the statewide
12 support lien docket under s. 49.854 (2) (b) only if the applicant does one of the
13 following:

14 **SECTION 980.** 45.356 (6) (b) of the statutes is amended to read:

15 45.356 (6) (b) Provides to the department a statement that the applicant is not
16 delinquent in child support or maintenance payments and does not owe past support,
17 medical expenses or birth expenses, signed by the ~~clerk of circuit court~~ department
18 of workforce development or its designee within 7 working days before the date of the
19 application.

20 **SECTION 981.** 45.356 (9) (a) of the statutes is amended to read:

21 45.356 (9) (a) The department may borrow from the veterans mortgage loan
22 repayment fund under s. 45.79 (7) (a) ~~and shall pledge~~ to obtain money to make loans
23 made under this section as collateral ~~for the borrowing~~.

24 **SECTION 982.** 45.356 (9) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 982**

1 45.356 (9) (b) The department may enter into transactions with the state
2 investment board to obtain money to make loans under this section. Transactions
3 authorized under this paragraph may include the sale of loans.

4 **SECTION 983.** 45.37 (3) (b) (title) of the statutes is repealed.

5 **SECTION 984.** 45.37 (3) (b) of the statutes is renumbered 45.37 (3) and amended
6 to read:

7 45.37 (3) *Nonresident.* A veteran who was not a resident of this state at the
8 time of enlistment or induction into service but who is otherwise qualified for
9 membership may be admitted if the veteran has been a resident of this state for any
10 consecutive 5-year period after ~~completing~~ enlistment or induction into service ~~on~~
11 ~~active duty~~ and before the date of his or her application. If a person applying for a
12 benefit under this subchapter meets that 5-consecutive-year residency
13 requirement, the department may not require the person to reestablish that he or she
14 meets the 5-consecutive-year residency requirement when he or she later applies
15 for any other benefit under this chapter that requires a 5-consecutive-year
16 residency.

17 **SECTION 985.** 45.396 (1) (a) of the statutes is amended to read:

18 45.396 (1) (a) “Institution of higher education” ~~means an educational~~
19 ~~institution meeting the requirements of P.L. 89-329 for institutions covered therein~~
20 ~~and of P.L. 89-287 for business, trade, technical or vocational schools and full-time~~
21 ~~post-high school technical colleges~~ has the meaning given in 20 USC 1088 (a).

22 **SECTION 986.** 45.396 (5) of the statutes is amended to read:

23 45.396 (5) Except as provided in sub. (9), the reimbursement may not exceed
24 ~~50%~~ 65% of the cost of tuition and fees and shall also be limited to a maximum of ~~50%~~
25 65% of the standard cost for a state resident for tuition and fees for an equivalent

SENATE BILL 45**SECTION 986**

1 undergraduate course at the University of Wisconsin-Madison per course and may
2 not be provided to an individual more than 4 times during any consecutive 12-month
3 period.

4 **SECTION 987.** 45.396 (6) (intro.) of the statutes is amended to read:

5 45.396 (6) (intro.) The department may make a grant ~~to an applicant~~ under this
6 section ~~after the department receives a certification under s. 49.855 (7) that the~~
7 ~~applicant is delinquent in child support or maintenance payments or owes past~~
8 ~~support, medical expenses or birth expenses~~ to an applicant whose name appears on
9 the statewide support lien docket under s. 49.854 (2) (b) only if the applicant provides
10 the department with one of the following:

11 **SECTION 988.** 45.396 (6) (b) of the statutes is amended to read:

12 45.396 (6) (b) A statement that the applicant is not delinquent in child support
13 or maintenance payments and does not owe past support, medical expenses or birth
14 expenses, signed by the ~~clerk of circuit court~~ department of workforce development
15 or its designee within 7 working days before the date of the application.

16 **SECTION 989.** 45.397 (4) of the statutes is amended to read:

17 45.397 (4) ANNUAL EXPENDITURE. The total amount of grants made under this
18 section may not exceed \$500,000 ~~in fiscal year 1993-94 and \$500,000 in~~ any fiscal
19 year ~~1994-95~~.

20 **SECTION 990.** 45.71 (16) (a) 2m. a. of the statutes is amended to read:

21 45.71 (16) (a) 2m. a. Has been a resident of this state for any consecutive 5-year
22 period after ~~completing~~ enlistment or induction into service on active duty and before
23 the date of his or her application or death. If a person applying for a benefit under
24 this subchapter meets that 5-consecutive-year residency requirement, the
25 department may not require the person to reestablish that he or she meets the

SENATE BILL 45**SECTION 990**

1 5-consecutive-year residency requirement when he or she applies for any other
2 benefit under this chapter that requires a 5-consecutive-year residency.

3 **SECTION 991.** 45.74 (6) (intro.) of the statutes is amended to read:

4 45.74 (6) DELINQUENT SUPPORT PAYMENTS. (intro.) The person is delinquent in
5 child support or maintenance payments or owes past support, medical expenses or
6 birth expenses, as evidenced by a ~~certification under s. 49.855 (7)~~ the appearance of
7 the person's name on the statewide support lien docket under s. 49.854 (2) (b), unless
8 the person provides the department or authorized lender with one of the following:

9 **SECTION 992.** 45.74 (6) (b) of the statutes is amended to read:

10 45.74 (6) (b) A statement that the person is not delinquent in child support or
11 maintenance payments and does not owe past support, medical expenses or birth
12 expenses, signed by the ~~clerk of circuit court~~ department of workforce development
13 or its designee within 7 working days before the date of the application.

14 **SECTION 993.** 45.76 (1) (c) of the statutes is amended to read:

15 45.76 (1) (c) *Home improvements.* A loan of not more than \$15,000 \$25,000 to
16 improve a home, including construction of a garage.

17 **SECTION 994.** 45.79 (9) (a) of the statutes is amended to read:

18 45.79 (9) (a) All moneys received from any source for repayment of loans,
19 mortgages or mortgage loan notes funded with proceeds of revenue obligations
20 issued under sub. (6) (c) shall be deposited into one or more separate nonlapsible
21 trust funds in the state treasury or with a trustee as provided in s. ~~18.56~~ 18.561 (9)
22 (j) or 18.562 (5) (e). The board may pledge revenues received by the funds to secure
23 revenue obligations issued under sub. (6) (c) and shall have all other powers
24 necessary and convenient to distribute the proceeds of the revenue obligations and
25 loan repayments in accordance with subch. II of ch. 18. Unrestricted balances in the

SENATE BILL 45**SECTION 994**

1 funds may be used to fund additional loans issued under sub. (6) (c) and pay the
2 balances owing on loans after the assumptions of the loans or the closings of the sales
3 of residences under sub. (10) (c).

4 **SECTION 995.** 46.03 (1) of the statutes is amended to read:

5 46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern the Mendota and the
6 Winnebago mental health institutes; the secure mental health facility established
7 under s. 46.055; and the centers for the developmentally disabled.

8 **SECTION 996.** 46.03 (7) (g) of the statutes is created to read:

9 46.03 (7) (g) Before July 1, 2006, establish a statewide automated child welfare
10 information system.

11 **SECTION 997.** 46.03 (22) (a) of the statutes is amended to read:

12 46.03 (22) (a) "Community living arrangement" means any of the following
13 facilities licensed or operated, or permitted under the authority of the department:
14 child welfare agencies under s. 48.60, group homes for children under s. 48.02 (7) and
15 community-based residential facilities under s. 50.01; but does not include adult
16 family homes, as defined in s. 50.01, day care centers, nursing homes, general
17 hospitals, special hospitals, prisons and jails. ~~"Community living arrangement" also~~
18 ~~includes a youth village program as described in s. 118.42.~~

19 **SECTION 998.** 46.034 (3) of the statutes is amended to read:

20 46.034 (3) With the agreement of the affected county board of supervisors in
21 a county with a single-county department or boards of supervisors in counties with
22 a multicounty department, effective for the contract period beginning January 1,
23 1980, the department may approve a county with a single-county department or
24 counties participating in a multicounty department to administer a single
25 consolidated aid consisting of the state and federal financial aid available to that

SENATE BILL 45**SECTION 998**

1 county or those counties from appropriations under s. 20.435 (3) (o) and (7) (b), (kw),
2 (kz) and (o) for services provided and purchased by county departments under ss.
3 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest of
4 improved service coordination and effectiveness, the county board of supervisors in
5 a county with a single-county department or county boards of supervisors in
6 counties with a multicounty department may reallocate among county departments
7 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be
8 specified for use by a single county department. The budget under s. 46.031 (1) shall
9 be the vehicle for expressing the proposed use of the single consolidated fund by the
10 county board of supervisors in a county with a single-county department or county
11 boards of supervisors in counties with a multicounty department. Approval by the
12 department of this use of the fund shall be in the contract under s. 46.031 (2g).
13 Counties that were selected by the department to pilot test consolidated aids for
14 contract periods beginning January 1, 1978, may continue or terminate
15 consolidation with the agreement of the affected county board of supervisors in a
16 county with a single-county department or county boards of supervisors in counties
17 with a multicounty department.

18 **SECTION 999.** 46.036 (4) (a) of the statutes is amended to read:

19 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
20 entry accounting system and a management information system which are
21 compatible with cost accounting and control systems prescribed by the department.
22 The department shall establish a simplified double entry bookkeeping system for use
23 by family-operated group homes. Each purchaser shall determine whether a
24 family-operated group home from which it purchases services shall use the double
25 entry accounting system or the simplified system and shall include this

SENATE BILL 45**SECTION 999**

1 determination in the purchase of service contract. In this paragraph,
2 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
3 which the licensee is one or more individuals who operate not more than one group
4 home.

5 **SECTION 1000.** 46.043 of the statutes is created to read:

6 **46.043 Additional services of mental health institutes.** (1) In addition
7 to inpatient and outpatient services provided at mental health institutes under ss.
8 51.05 and 51.07, the department may authorize mental health institutes to offer
9 services other than inpatient mental health services when the department
10 determines that community services need to be supplemented. Services that may be
11 offered under this section include mental health outpatient treatment and services,
12 day programming, consultation and services in residential facilities, including group
13 homes, child caring institutions and community-based residential facilities.

14 (2) Services under this section may be provided only under contract between
15 the department and a county department under s. 46. 215, 46.22 or 46.23, a school
16 district or another public or private entity within the state to persons referred from
17 those entities, at the discretion of the department. The department shall charge the
18 referring entity all costs associated with providing the services. Unless a referral is
19 made, the department may not offer services under this section to the person who is
20 to receive the services or his or her family. The department may not impose a charge
21 for services under this section upon the person receiving the services or his or her
22 family. The department shall credit any revenues received under this section to the
23 appropriation account under s. 20.435 (2) (gk).

24 (3) (a) Except as provided in pars. (b) and (c), services under this section are
25 governed by all of the following:

SENATE BILL 45**SECTION 1000**

1 1. The terms of the contract between the department and the referring entity.

2 2. Subchapter XVI of ch. 48 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3),
3 50.035, 50.04, 50.09, 51.04, 51.42 (7) (b) and 51.61. In applying these statutes, the
4 services shall be considered to be provided by a private entity.

5 3. Rules promulgated under the statutes specified in subd. 2.

6 (b) In the event of a conflict between par. (a) 1. and 2. or 3., the services shall
7 comply with the contractual, statutory or rules provision that is most protective of
8 the service recipient's health, safety, welfare or rights, as determined by the mental
9 health institute.

10 (c) Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1. and 51.42 (3) (as) and
11 zoning or other ordinances or regulations of the county, city, town or village in which
12 the services are provided or the facility is located do not apply to the services under
13 this section.

14 (d) The department may not be required, by court order or otherwise, to offer
15 services under this section.

16 **(4)** Services in a residential facility that are authorized by the department
17 under this section shall be provided only in a facility that is situated on the grounds
18 of a mental health institute. The facility may not be considered to be a hospital, as
19 defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state
20 treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s.
21 51.01 (19).

22 **SECTION 1001.** 46.055 of the statutes is created to read:

23 **46.055 Secure mental health facility for sexually violent persons.** The
24 department shall establish and operate a secure mental health facility for the
25 detention, evaluation and institutional care of persons under ch. 980.

SENATE BILL 45**SECTION 1002**

1 **SECTION 1002.** 46.057 (2) of the statutes is amended to read:

2 46.057 (2) From the appropriation account under s. 20.410 (3) (hm), the
3 department of corrections shall transfer to the appropriation account under s. 20.435
4 (2) (kx) ~~\$3,125,100~~ \$3,763,200 in fiscal year ~~1997-99~~ 1999-2000 and ~~\$3,236,200~~
5 \$3,869,200 in fiscal year ~~1998-99~~ 2000-01 for services for juveniles placed at the
6 Mendota juvenile treatment center. The department of health and family services
7 may charge the department of corrections not more than the actual cost of providing
8 those services.

9 **SECTION 1003.** 46.10 (2) of the statutes is amended to read:

10 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
11 including but not limited to a person admitted, committed or placed under s. 975.01,
12 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13,
13 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14
14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and
15 supplies provided by any institution in this state including University of Wisconsin
16 Hospitals and Clinics, in which the state is chargeable with all or part of the person's
17 care, maintenance, services and supplies, any person receiving care and services
18 from a county department established under s. 51.42 or 51.437 or from a facility
19 established under s. 49.73, and any person receiving treatment and services from a
20 public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) ~~(e)~~ (cv) or 980.08
21 (5) (e) and the person's property and estate, including the homestead, and the spouse
22 of the person, and the spouse's property and estate, including the homestead, and,
23 in the case of a minor child, the parents of the person, and their property and estates,
24 including their homestead, and, in the case of a foreign child described in s. 48.839
25 (1) who became dependent on public funds for his or her primary support before an

SENATE BILL 45**SECTION 1003**

1 order granting his or her adoption, the resident of this state appointed guardian of
2 the child by a foreign court who brought the child into this state for the purpose of
3 adoption, and his or her property and estate, including his or her homestead, shall
4 be liable for the cost of the care, maintenance, services and supplies in accordance
5 with the fee schedule established by the department under s. 46.03 (18). If a spouse,
6 widow or minor, or an incapacitated person may be lawfully dependent upon the
7 property for their support, the court shall release all or such part of the property and
8 estate from the charges that may be necessary to provide for those persons. The
9 department shall make every reasonable effort to notify the liable persons as soon
10 as possible after the beginning of the maintenance, but the notice or the receipt
11 thereof is not a condition of liability.

12 **SECTION 1004.** 46.10 (2m) of the statutes is amended to read:

13 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis
14 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~
15 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
16 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives
17 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent
18 or guardian.

19 **SECTION 1005.** 46.18 (1) of the statutes is amended to read:

20 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
21 ~~hospital or sanatorium,~~ or similar institution, shall, subject to regulations approved
22 by the county board, be managed by a board of trustees, electors of the county, chosen
23 by ballot by the county board. At its annual meeting, the county board shall appoint
24 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
25 3-year terms ending the first Monday in January. Any vacancy shall be filled for the

SENATE BILL 45**SECTION 1005**

1 unexpired term by the county board; but the chairperson of the county board may
2 appoint a trustee to fill the vacancy until the county board acts.

3 **SECTION 1006.** 46.20 (1) of the statutes is amended to read:

4 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
5 members of each county board, provide for a county home, infirmary, hospital,
6 tuberculosis hospital or sanatorium, or similar institution, or juvenile detention
7 home, which shall be established, maintained and operated pursuant to all the
8 statutes relating to the establishment, maintenance and operation of similar
9 institutions, respectively, by any single county whose population is less than
10 250,000, except as otherwise provided in this section; and in all respects, except as
11 herein specified, each such institution shall be the county institution of each of the
12 counties so joining.

13 **SECTION 1007.** 46.20 (3) of the statutes is amended to read:

14 46.20 (3) Upon approval of the site, plans and specifications, as provided in ~~s.~~
15 ~~252.073 as to tuberculosis sanatoriums~~ and ss. 46.17 and 301.37, as to other
16 institutions, the joint committee shall report to the several county boards the
17 estimated cost of the site and buildings, and the amount thereof chargeable to each
18 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
19 plans and specifications and all matter relating to the site and buildings. If the report
20 is approved by each county board, the joint committee shall purchase the site and
21 cause the buildings to be erected in accordance with the plans and specifications.

22 **SECTION 1008.** 46.20 (8) of the statutes is repealed.

23 **SECTION 1009.** 46.20 (10) of the statutes is repealed.

24 **SECTION 1010.** 46.21 (2m) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 1010**

1 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
2 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and
3 253.07 (3) (c), any subunit of the county department of human services acting under
4 this subsection may exchange confidential information about a client, without the
5 informed consent of the client, with any other subunit of the same county department
6 of human services, with a resource center, care management organization or family
7 care district, or with any person providing services to the client under a purchase of
8 services contract with the county department of human services or with a resource
9 center, care management organization or family care district, if necessary to enable
10 an employe or service provider to perform his or her duties, or to enable the county
11 department of human services to coordinate the delivery of services to the client.

12 **SECTION 1011.** 46.215 (1) (j) of the statutes is amended to read:

13 46.215 (1) (j) To make payments in such manner as the department of
14 workforce development may determine for training of recipients, former recipients
15 and potential recipients of aid in programs established under ss. s. 49.193, 1997
16 stats., and s. 49.26 (1).

17 **SECTION 1012.** 46.215 (1) (r) of the statutes is created to read:

18 46.215 (1) (r) If authorized under s. 46.283 (1) (a) 1., to apply to the department
19 of health and family services to operate a resource center under s. 46.283 and, if the
20 department contracts with the county under s. 46.283 (2), to operate the resource
21 center.

22 **SECTION 1013.** 46.215 (1) (s) of the statutes is created to read:

23 46.215 (1) (s) If authorized under s. 46.284 (1) (a) 1., to apply to the department
24 of health and family services to operate a care management organization under s.
25 46.284 and, if the department contracts with the county under s. 46.284 (2), to

SENATE BILL 45**SECTION 1013**

1 operate the care management organization and, if appropriate, place funds in a risk
2 reserve.

3 **SECTION 1014.** 46.215 (1g) of the statutes is renumbered 46.215 (1g) (intro.) and
4 amended to read:

5 46.215 (1g) ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN BY A WISCONSIN
6 WORKS AGENCY. (intro.) The Wisconsin works agency, as defined in s. 49.001 (9), shall,
7 to the extent permitted by federal law, certify eligibility for and distribute, if
8 determined eligible, issue food coupons under s. 49.143 (2) (e) to eligible participants
9 to all of the following:

10 (a) Participants in the Wisconsin works program under subch. III of ch. 49.

11 **SECTION 1015.** 46.215 (1g) (b) of the statutes is created to read:

12 46.215 (1g) (b) Persons who may be required to participate in the food stamp
13 employment and training program under s. 49.124 (1m), if the department of
14 workforce development has contracted with the Wisconsin works agency to
15 administer the food stamp employment and training program under s. 49.124 (1m).

16 **SECTION 1016.** 46.215 (1g) (c) of the statutes is created to read:

17 46.215 (1g) (c) Other persons who are under the age of 61 and who are not
18 disabled, as defined by the department.

19 **SECTION 1017.** 46.215 (1m) of the statutes is amended to read:

20 46.215 (1m) EXCHANGE OF INFORMATION. Notwithstanding ss. 46.2895 (9), 48.78
21 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
22 (3) (c) and 938.78 (2) (a), any subunit of the county department of social services
23 acting under this section may exchange confidential information about a client,
24 without the informed consent of the client, with any other subunit of the same county
25 department of social services, with a resource center, care management organization

SENATE BILL 45**SECTION 1017**

1 or family care district, or with any person providing services to the client under a
2 purchase of services contract with the county department of social services or with
3 a resource center, care management organization or family care district, if necessary
4 to enable an employe or service provider to perform his or her duties, or to enable the
5 county department of social services to coordinate the delivery of services to the
6 client.

7 **SECTION 1018.** 46.215 (2) (c) 1. of the statutes is amended to read:

8 46.215 (2) (c) 1. A county department of social services shall develop, under the
9 requirements of s. 46.036, plans and contracts for care and services to be purchased,
10 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department
11 of health and family services may review the contracts and approve them if they are
12 consistent with s. 46.036 and if state or federal funds are available for such purposes.
13 The joint committee on finance may require the department of health and family
14 services to submit the contracts to the committee for review and approval. The
15 department of health and family services may not make any payments to a county
16 for programs included in a contract under review by the committee. The department
17 of health and family services shall reimburse each county for the contracts from the
18 appropriations under s. 20.435 (3) (o) and (7) (b), ~~(kw)~~, ~~(kz)~~ and (o), as appropriate,
19 under s. 46.495.

20 **SECTION 1019.** 46.22 (1) (b) 1. j. of the statutes is created to read:

21 46.22 (1) (b) 1. j. If authorized under s. 46.283 (1) (a) 1., to apply to the
22 department of health and family services to operate a resource center under s. 46.283
23 and, if the department contracts with the county under s. 46.283 (2), to operate the
24 resource center.

25 **SECTION 1020.** 46.22 (1) (b) 1. k. of the statutes is created to read:

SENATE BILL 45**SECTION 1020**

1 46.22 (1) (b) 1. k. If authorized under s. 46.284 (1) (a) 1., to apply to the
2 department of health and family services to operate a care management organization
3 under s. 46.284 and, if the department contracts with the county under s. 46.284 (2),
4 to operate the care management organization and, if appropriate, place funds in a
5 risk reserve.

6 **SECTION 1021.** 46.22 (1) (b) 2. a. of the statutes is repealed.

7 **SECTION 1022.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

8 46.22 (1) (b) 2. e. To make payments in such manner as the department of
9 workforce development may determine for training of recipients, former recipients
10 and potential recipients of aid in programs established under ss. 49.193, 1997 stats.,
11 and 49.26 (1).

12 **SECTION 1023.** 46.22 (1) (c) 8. f. of the statutes is created to read:

13 46.22 (1) (c) 8. f. Before July 1, 2006, the county department of social services
14 shall implement the statewide automated child welfare information system
15 established by the department under s. 46.03 (7) (g).

16 **SECTION 1024.** 46.22 (1) (dm) of the statutes is amended to read:

17 46.22 (1) (dm) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
18 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
19 (3) (c) and 938.78 (2) (a), any subunit of the county department of social services
20 acting under this subsection may exchange confidential information about a client,
21 without the informed consent of the client, with any other subunit of the same county
22 department of social services, with a resource center, care management organization
23 or family care district, or with any person providing services to the client under a
24 purchase of services contract with the county department of social services or with
25 a resource center, care management organization or family care district, if necessary

SENATE BILL 45**SECTION 1024**

1 to enable an employe or service provider to perform his or her duties, or to enable the
2 county department of social services to coordinate the delivery of services to the
3 client.

4 **SECTION 1025.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

5 46.22 (1) (e) 3. a. A county department of social services shall develop, under
6 the requirements of s. 46.036, plans and contracts for care and services, except under
7 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and
8 family services may review the contracts and approve them if they are consistent
9 with s. 46.036 and to the extent that state or federal funds are available for such
10 purposes. The joint committee on finance may require the department of health and
11 family services to submit the contracts to the committee for review and approval.
12 The department of health and family services may not make any payments to a
13 county for programs included in the contract that is under review by the committee.
14 The department of health and family services shall reimburse each county for the
15 contracts from the appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and
16 (o) according to s. 46.495.

17 **SECTION 1026.** 46.22 (1g) of the statutes is renumbered 46.22 (1g) (intro.) and
18 amended to read:

19 46.22 (1g) ~~ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN BY A WISCONSIN~~
20 ~~WORKS AGENCY.~~ (intro.) The Wisconsin works agency, as defined in s. 49.001 (9), shall,
21 to the extent permitted by federal law, certify eligibility for and distribute, if
22 determined eligible, issue food coupons under s. 49.143 (2) (e) to eligible participants
23 to all of the following:

24 (a) Participants in the Wisconsin works program under subch. III of ch. 49.

25 **SECTION 1027.** 46.22 (1g) (b) of the statutes is created to read:

SENATE BILL 45**SECTION 1027**

1 46.22 (1g) (b) Persons who may be required to participate in the food stamp
2 employment and training program under s. 49.124 (1m), if the department of
3 workforce development has contracted with the Wisconsin works agency to
4 administer the food stamp employment and training program under s. 49.124 (1m).

5 **SECTION 1028.** 46.22 (1g) (c) of the statutes is created to read:

6 46.22 (1g) (c) Other persons who are under the age of 61 and who are not
7 disabled, as defined by the department.

8 **SECTION 1029.** 46.23 (3) (e) of the statutes is amended to read:

9 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
10 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
11 (3) (c) and 938.78 (2) (a), any subunit of a county department of human services
12 acting under this section may exchange confidential information about a client,
13 without the informed consent of the client, with any other subunit of the same county
14 department of human services, with a resource center, care management
15 organization or family care district, or with any person providing services to the
16 client under a purchase of services contract with the county department of human
17 services or with a resource center, care management organization or family care
18 district, if necessary to enable an employe or service provider to perform his or her
19 duties, or to enable the county department of human services to coordinate the
20 delivery of services to the client.

21 **SECTION 1030.** 46.266 (1) (d) of the statutes is created to read:

22 46.266 (1) (d) A person in the facility who has been determined under s. 49.45
23 (6c) (b) to require active treatment for mental illness.

24 **SECTION 1031.** 46.27 (1) (bm) of the statutes is amended to read:

SENATE BILL 45**SECTION 1031**

1 46.27 (1) (bm) “Private nonprofit agency” means a nonprofit corporation, as
2 defined in s. 181.0103 (17), which provides ~~comprehensive health care services to~~
3 ~~elderly persons~~ a program of all-inclusive care for persons aged 65 or older
4 authorized under 42 USC 1395 to 1395ggg and which participates in the On Lok
5 replication initiative.

6 **SECTION 1032.** 46.27 (2) (k) of the statutes is created to read:

7 46.27 (2) (k) Review and approve or disapprove the terms of risk reserve escrow
8 accounts created under sub. (7) (fr) and approve or disapprove disbursements for
9 administrative or staff costs from the risk reserve escrow accounts.

10 **SECTION 1033.** 46.27 (4) (c) (intro.) of the statutes is amended to read:

11 46.27 (4) (c) (intro.) The planning committee shall ~~develop~~ do all of the
12 following:

13 1. Develop a community options plan for participation in the program. The
14 plan shall include:

15 **SECTION 1034.** 46.27 (4) (c) 1. to 7. of the statutes are renumbered 46.27 (4) (c)

16 1. a. to g.

17 **SECTION 1035.** 46.27 (4) (c) 2. of the statutes is created to read:

18 46.27 (4) (c) 2. Advise the county board of supervisors and, if applicable, the
19 county administrator or county executive on whether to apply to the department for
20 a contract to operate a resource center or a care management organization and
21 whether to create a family care district to apply to the department for such a contract.

22 **SECTION 1036.** 46.27 (4) (c) 3. of the statutes is created to read:

23 46.27 (4) (c) 3. Review initial plans and existing provider networks of any care
24 management organization in the area to assist the care management organization

SENATE BILL 45**SECTION 1036**

1 in developing a network of service providers that includes a sufficient number of
2 accessible, convenient and desirable services.

3 **SECTION 1037.** 46.27 (4) (c) 4. of the statutes is created to read:

4 46.27 (4) (c) 4. Advise care management organizations about whether to offer
5 optional acute and primary health care services and, if so, how these benefits should
6 be offered.

7 **SECTION 1038.** 46.27 (4) (c) 8. of the statutes is renumbered 46.27 (4) (c) 1. h.
8 and amended to read:

9 46.27 (4) (c) 1. h. If a pilot project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is
10 established in the county, a description of how the activities of the pilot project relate
11 to and are coordinated with the county's proposed program.

12 **SECTION 1039.** 46.27 (5) (am) of the statutes is amended to read:

13 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
14 department or aging unit shall utilize persons for each assessment who can
15 determine the needs of the person being assessed and who know the availability
16 within the county of services alternative to placement in a nursing home. If any
17 hospital patient is referred to a nursing home for admission, these persons shall work
18 with the hospital discharge planner in performing the activities specified in sub. (6).
19 The county department or aging unit shall coordinate the involvement of
20 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
21 51.437, health service providers and the county commission on aging in the
22 assessment activities specified in sub. (6), as well as the person being assessed and
23 members of the person's family or the person's guardian. This paragraph does not
24 apply to a county department or aging unit in a county where a pilot project under
25 s. ~~46.271 (2m)~~ 46.281 (1) (d) is established.

SENATE BILL 45**SECTION 1040**

1 **SECTION 1040.** 46.27 (6) (a) 3. of the statutes is amended to read:

2 46.27 (6) (a) 3. In each participating county, except in counties where a pilot
3 project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is established, assessments shall be
4 conducted for those persons and in accordance with the procedures described in the
5 county's community options plan. The county may elect to establish assessment
6 priorities for persons in target groups identified by the county in its plan regarding
7 gradual implementation. If a person who is already admitted to a nursing home
8 requests an assessment and if funds allocated for assessments under sub. (7) (am)
9 are available, the county shall conduct the assessment.

10 **SECTION 1041.** 46.27 (6g) (intro.) of the statutes is amended to read:

11 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
12 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
13 assessment, unless the assessment is performed by an entity under s. ~~46.271 (2m)~~
14 46.281 (1) (d), case plan or services provided to a person under this section is as
15 follows:

16 **SECTION 1042.** 46.27 (6u) (c) 2. of the statutes is amended to read:

17 46.27 (6u) (c) 2. For a person who is determined to be financially eligible under
18 subd. 1. calculate, by use of the uniform fee system under s. 46.03 (18), the amount
19 of cost sharing required for receipt of long-term community support services
20 provided under sub. (5) (b). The county department or aging unit shall require
21 payment by the person of 100% of the amount calculated under this subdivision,
22 unless the person pays the premiums established under s. 49.472 (4) (a). If the
23 person pays those premiums, the county department or aging unit may not require
24 any payment from the person under this subdivision.

25 **SECTION 1043.** 46.27 (7) (am) of the statutes is amended to read:

SENATE BILL 45**SECTION 1043**

1 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
2 shall allocate funds to each county or private nonprofit agency with which the
3 department contracts to pay assessment and case plan costs under sub. (6) not
4 otherwise paid by fee or under s. 49.33 (2) or 49.45. The department shall reimburse
5 counties for the cost of assessing persons eligible for medical assistance under s.
6 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance,
7 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this
8 paragraph to pay the cost of long-term community support services and for a risk
9 reserve under par. (fr).

10 **SECTION 1044.** 46.27 (7) (b) of the statutes is amended to read:

11 46.27 (7) (b) 1m. From the appropriations under s. 20.435 (7) (bd) and (im), the
12 department shall allocate funds to each county to pay the cost of providing long-term
13 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to
14 persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom
15 the county department or aging unit administering the program finds likely to
16 become medically indigent within 6 months by spending excess income or assets for
17 medical or remedial care. The average per person reimbursement under this
18 paragraph may not exceed the state share of the average per person payment rate
19 the department expects under s. 49.45 (6m). The county department or aging unit
20 administering the program may spend funds received under this paragraph only in
21 accordance with the case plan and service contract created for each person receiving
22 long-term community support services. Counties may use unspent funds allocated
23 under this paragraph from the appropriation under s. 20.435 (7) (bd) for a risk
24 reserve under par. (fr).

25 **SECTION 1045.** 46.27 (7) (cj) 3. a. of the statutes is amended to read:

SENATE BILL 45**SECTION 1045**

1 46.27 (7) (cj) 3. a. An assessment under sub. (6) has been completed for the
2 person prior to the person’s admission to the community-based residential facility,
3 whether or not the person is a private pay admittee at the time of admission. The
4 county may waive this condition in accordance with guidelines established by the
5 department. If the county waives this condition, the county must meet with the
6 person or the person’s guardian to discuss the cost-effectiveness of various service
7 options.

8 **SECTION 1046.** 46.27 (7) (fm) of the statutes is amended to read:

9 46.27 (7) (fm) The department shall, at the request of a county, carry forward
10 up to 10% of the amount allocated under this subsection to the county for a calendar
11 year if up to 10% of the amount so allocated has not been spent or encumbered by the
12 county by December 31 of that year, for use by the county in the following calendar
13 year, except that the amount carried forward shall be reduced by the amount of funds
14 that the county has notified the department that the county wishes to place in a risk
15 reserve under par. (fr). The department may transfer funds within s. 20.435 (7) (bd)
16 to accomplish this purpose. An allocation under this paragraph does not affect a
17 county’s base allocation under this subsection and shall lapse to the general fund
18 unless expended within the calendar year to which the funds are carried forward.
19 A county may not expend funds carried forward under this paragraph for
20 administrative or staff costs, except administrative or staff costs that are associated
21 with implementation of the waiver under sub. (11) and approved by the department.

22 **SECTION 1047.** 46.27 (7) (fr) of the statutes is created to read:

23 46.27 (7) (fr) 1. Notwithstanding s. 46.036 (3) and (5m), a county may place in
24 a risk reserve funds that are allocated under par. (am) or (b) or sub. (11) (c) 3. and
25 are not expended or encumbered for services under this subsection or sub. (11). The

SENATE BILL 45**SECTION 1047**

1 county shall notify the department of this decision and of the amount to be placed in
2 the risk reserve. The county shall maintain the risk reserve in an interest-bearing
3 escrow account with a financial institution, as defined in s. 69.30 (1) (b), if the
4 department has approved the terms of the escrow. All interest from the principal
5 shall be reinvested in the escrow account.

6 2. The annual amount of a county's expenditure for a risk reserve, as specified
7 in subd. 1., may not exceed 10% of the county's most recent allocation under pars.
8 (am) and (b) and sub. (11) (c) 3. or \$750,000, whichever is less. The total amount of
9 the risk reserve, including interest, may not exceed 15% of the county's most recent
10 allocation under this subsection.

11 3. A county may expend funds maintained in a risk reserve, as specified in subd.
12 1., for any of the following purposes:

13 a. To defray costs of long-term community support services under this section.

14 b. To meet requirements under any contract that the county has with the
15 department to operate a care management organization under s. 46.284.

16 c. If approved by a resolution of the county board of supervisors, to transfer
17 funds to a family care district.

18 d. If approved by the department, for administrative or staff costs under this
19 section.

20 4. A county that maintains a risk reserve, as specified in subd. 1., shall
21 annually, on a form prescribed by the department, submit to the department a record
22 of the status of the risk reserve, including revenues and disbursements.

23 **SECTION 1048.** 46.27 (7) (g) (intro.) of the statutes is amended to read:

24 46.27 (7) (g) (intro.) The department may carry forward to the next state fiscal
25 year up to \$500,000 of funds allocated under this subsection and not encumbered by

SENATE BILL 45**SECTION 1048**

1 counties by December 31 or carried forward under par. (fm). The department may
2 transfer moneys within s. 20.435 (7) (bd) to accomplish this purpose. An allocation
3 under this paragraph shall not affect a county's base allocation for the program. The
4 department may allocate these transferred moneys during the next fiscal year to
5 counties for planning and implementation of resource centers under s. 46.283 or care
6 management organizations under s. 46.284 and for the improvement or expansion
7 of long-term community support services for clients whose cost of care significantly
8 exceeds the average cost of care provided under this section, including any of the
9 following:

10 **SECTION 1049.** 46.27 (7g) (c) 3. (intro.) of the statutes is amended to read:

11 46.27 (7g) (c) 3. (intro.) The court shall reduce the amount of a claim under
12 subd. 1. by up to ~~\$3,000~~ the amount specified in s. 861.33 (2) if necessary to allow the
13 client's heirs or the beneficiaries of the client's will to retain the following personal
14 property:

15 **SECTION 1050.** 46.27 (7g) (c) 3. c. of the statutes is amended to read:

16 46.27 (7g) (c) 3. c. Other tangible personal property not used in trade,
17 agriculture or other business, not to exceed \$1,000 in value the amount specified in
18 s. 861.33 (1) (a) 4.

19 **SECTION 1051.** 46.27 (7g) (c) 5. of the statutes is renumbered 46.27 (7g) (c) 5.

20 a. and amended to read:

21 46.27 (7g) (c) 5. a. If the department's claim is not allowable because of subd.
22 4. and the estate includes an interest in a home, the court exercising probate
23 jurisdiction shall, in the final judgment or summary findings and order, assign the
24 interest in the home subject to a lien in favor of the department for the amount
25 described in subd. 1. The personal representative or petitioner for summary

SENATE BILL 45**SECTION 1051**

1 settlement or summary assignment of the estate shall record the final judgment as
2 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

3 **SECTION 1052.** 46.27 (7g) (c) 5. b. of the statutes is created to read:

4 46.27 (7g) (c) 5. b. If the department's claim is not allowable because of subd.
5 4., the estate includes an interest in a home and the personal representative closes
6 the estate by sworn statement under s. 865.16, the personal representative shall
7 stipulate in the statement that the home is assigned subject to a lien in favor of the
8 department for the amount described in subd. 1. The personal representative shall
9 record the statement in the same manner as described in s. 863.29, as if the
10 statement were a final judgment.

11 **SECTION 1053.** 46.27 (7g) (h) of the statutes is created to read:

12 46.27 (7g) (h) The department may contract with or employ an attorney to
13 probate estates to recover under this subsection the costs of care.

14 **SECTION 1054.** 46.27 (9) (a) of the statutes is amended to read:

15 46.27 (9) (a) The department may select up to 5 counties that volunteer to
16 participate in a pilot project under which they will receive certain funds allocated for
17 long-term care. The department shall allocate a level of funds to these counties
18 equal to the amount that would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) to nursing
19 homes for providing care because of increased utilization of nursing home services,
20 as estimated by the department. In estimating these levels, the department shall
21 exclude any increased utilization of services provided by state centers for the
22 developmentally disabled. The department shall calculate these amounts on a
23 calendar year basis under sub. (10).

24 **SECTION 1055.** 46.27 (9) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 1055**

1 46.27 (9) (c) All long-term community support services provided under this
2 pilot project in lieu of nursing home care shall be consistent with those services
3 described in the participating county's community options plan under sub. (4) (c) 1.
4 and provided under sub. (5) (b). Unless the department has contracted under s.
5 ~~46.271 (2m)~~ 46.281 (1) (d) with an entity other than the county department, each
6 county participating in the pilot project shall assess persons under sub. (6).

7 **SECTION 1056.** 46.27 (10) (a) 1. of the statutes is amended to read:

8 46.27 (10) (a) 1. The department shall determine for each county participating
9 in the pilot project under sub. (9) a funding level of state medical assistance
10 expenditures to be received by the county. This level shall equal the amount that the
11 department determines would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) because
12 of increased utilization of nursing home services, as estimated by the department.

13 **SECTION 1057.** 46.27 (11) (c) 3. of the statutes is amended to read:

14 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
15 private nonprofit agency or an aging unit with which the department contracts
16 provides under this subsection shall be made from the appropriations under s. 20.435
17 ~~(5)~~ (4) (o) and (7) (b) and (bd).

18 **SECTION 1058.** 46.27 (11) (c) 4. of the statutes is amended to read:

19 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435
20 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by
21 counties that are in excess of the current average annual per person rate, as
22 established by the department, and are less than or equal to the average amount
23 approved in the waiver received under par. (am).

24 **SECTION 1059.** 46.27 (11) (c) 5n. a. of the statutes is amended to read:

SENATE BILL 45**SECTION 1059**

1 46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the
2 person prior to the person's admission to the community-based residential facility,
3 whether or not the person is a private pay admittee at the time of admission. The
4 county may waive this condition in accordance with guidelines established by the
5 department. If the county waives this condition, the county must meet with the
6 person or the person's guardian to discuss the cost-effectiveness of various service
7 options.

8 **SECTION 1060.** 46.271 (2m) of the statutes is repealed.

9 **SECTION 1061.** 46.275 (5) (a) of the statutes is amended to read:

10 46.275 (5) (a) Medical assistance reimbursement for services a county, or the
11 department under sub. (3r), provides under this program is available from the
12 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract
13 to provide services under this program and the department approves the contract,
14 medical assistance reimbursement is also available for services provided jointly by
15 these counties.

16 **SECTION 1062.** 46.275 (5) (c) of the statutes is amended to read:

17 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties
18 and to the department under sub. (3r) for services provided under this section may
19 not exceed the amount approved by the federal department of health and human
20 services. A county may use funds received under this section only to provide services
21 to persons who meet the requirements under sub. (4) and may not use unexpended
22 funds received under this section to serve other developmentally disabled persons
23 residing in the county.

24 **SECTION 1063.** 46.275 (5) (d) of the statutes is amended to read:

SENATE BILL 45**SECTION 1063**

1 46.275 (5) (d) The department may, from the appropriation under s. 20.435 (5)
2 (4) (o), provide reimbursement for services provided under this section by counties
3 that are in excess of the current average annual per person rate, as established by
4 the department, and are less than the average amount approved in the waiver
5 received under sub. (2).

6 **SECTION 1064.** 46.277 (5) (d) 1n. a. of the statutes is amended to read:

7 46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for
8 the person prior to the person’s admission to the community-based residential
9 facility, whether or not the person is a private pay admittee at the time of admission.
10 The county may waive this condition in accordance with guidelines established by
11 the department. If the county waives this condition, the county must meet with the
12 person or the person’s guardian to discuss the cost-effectiveness of various service
13 options.

14 **SECTION 1065.** 46.278 (6) (d) of the statutes is amended to read:

15 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
16 share of service costs under the waiver received under sub. (3), the department may,
17 from the appropriation under s. 20.435 (5) (4) (o), provide reimbursement for services
18 that the county provides under this section to persons who are in addition to those
19 who may be served under this section with funds from the appropriation under s.
20 20.435 (5) (4) (b).

21 **SECTION 1066.** 46.278 (6) (e) of the statutes is renumbered 46.278 (6) (e) 1.
22 (intro.) and amended to read:

23 46.278 (6) (e) 1. (intro.) The department may provide enhanced reimbursement
24 for services under the program for an individual who was relocated to the community
25 by a county department from ~~an~~ one of the following:

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1 a. An intermediate care facility for the mentally retarded that closes under s.
2 50.03 (14).

3 2. The enhanced reimbursement rate under this paragraph shall be
4 determined under a formula that is developed by the department.

5 **SECTION 1067.** 46.278 (6) (e) 1. b. of the statutes is created to read:

6 46.278 (6) (e) 1. b. An intermediate care facility for the mentally retarded or
7 a distinct part thereof that has a plan of closure approved by the department and that
8 intends to close within 12 months.

9 **SECTION 1068.** 46.2805 of the statutes is created to read:

10 **46.2805 Definitions; long-term care.** In ss. 46.2805 to 46.2895:

11 (1) "Care management organization" means an entity that is certified as
12 meeting the requirements for a care management organization under s. 46.284 (3)
13 and that has a contract under s. 46.284 (2). "Care management organization" does
14 not mean an entity that contracts with the department to operate one of the
15 following:

16 (a) A program of all-inclusive care for persons aged 65 or older authorized
17 under 42 USC 1395 to 1395ggg.

18 (b) A demonstration program known as the Wisconsin partnership program
19 under a federal waiver authorized under 42 USC 1315.

20 (2) "Eligible person" means a person who meets all eligibility criteria under s.
21 46.286 (1) or (1m).

22 (3) "Enrollee" means a person who is enrolled in a care management
23 organization.

24 (4) "Family care benefit" means financial assistance for long-term care and
25 support items for an enrollee.

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1 (5) “Family care district” means a special purpose district created under s.
2 46.2895 (1).

3 (6) “Family care district board” means the governing board of a family care
4 district.

5 (7) “Functional and financial screen” means a screen prescribed by the
6 department that is used to determine functional eligibility under s. 46.286 (1) (a) and
7 financial eligibility under s. 46.286 (1) (b).

8 (8) “Nonprofit organization” has the meaning given in s. 108.02 (19).

9 (9) “Older person” means a person who is aged at least 65.

10 (10) “Resource center” means an entity that meets the standards for operation
11 under s. 46.283 (3) or, if under contract to provide a portion of the services specified
12 under s. 46.283 (3), meets the standards for operation with respect to those services.

13 (11) “Tribe or band” means a federally recognized American Indian tribe or
14 band.

15 **SECTION 1069.** 46.281 of the statutes is created to read:

16 **46.281 Powers and duties of the department and the secretary;**
17 **long-term care. (1) DUTIES OF THE DEPARTMENT.** The department shall do all of the
18 following:

19 (a) Provide training to members of the council on long-term care who are aged
20 65 or older or who have physical or developmental disabilities or their family
21 members, guardians or other advocates, to enable these members to participate in
22 the council’s duties.

23 (b) Provide information to the council on long-term care and seek
24 recommendations of the council.

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1 (c) Request from the secretary of the federal department of health and human
2 services any waivers of federal medicaid laws necessary to permit the use of federal
3 moneys to provide the family care benefit to recipients of medical assistance. The
4 department shall implement any waiver that is approved and that is consistent with
5 ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department
6 may implement operation of resource centers, care management organizations and
7 the family care benefit.

8 (d) Before July 1, 2001:

9 1. Establish, in geographic areas determined by the department, a pilot project
10 under which the department may contract with a county, a family care district, a
11 tribe or band or the Great Lakes inter-tribal council, inc., or with any 2 or more of
12 these entities under a joint application, to operate a resource center.

13 2. Contract with counties or tribes or bands under a pilot project to demonstrate
14 the ability of counties or tribes or bands to manage all long-term care programs and
15 administer the family care benefit as care management organizations.

16 (e) After June 30, 2001, contract with one or more entities certified as meeting
17 requirements under s. 46.284 (3) for services of the entity as a care management
18 organization and one or more entities for services specified under s. 46.283 (3) and
19 (4).

20 (f) Prescribe and implement a per person monthly rate structure for costs of the
21 family care benefit.

22 (g) In order to maintain continuous quality assurance and quality
23 improvement for resource centers and care management organizations, do all of the
24 following:

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1 1. Prescribe by rule and by contract and enforce performance standards for
2 operation of resource centers and care management organizations.

3 2. Use performance expectations that are related to outcomes for persons in
4 contracting with care management organizations and resource centers.

5 3. Conduct ongoing evaluations of the long-term care system specified in ss.
6 46.2805 to 46.2895.

7 4. Require that quality assurance and quality improvement efforts be included
8 throughout the long-term care system specified in ss. 46.2805 to 46.2895.

9 5. Ensure that reviews of the quality of management and service delivery of
10 resource centers and care management organizations are conducted by external
11 organizations and make information about specific review results available to the
12 public.

13 (h) Require by contract that resource centers and care management
14 organizations establish procedures under which an individual who applies for or
15 receives the family care benefit may register a complaint or grievance and
16 procedures for resolving complaints and grievances.

17 (i) Prescribe criteria to assign priority equitably on any necessary waiting lists
18 for persons who are eligible for the family care benefit but who do not meet the
19 criteria under s. 46.286 (3).

20 **(2) POWERS OF THE DEPARTMENT.** The department may develop risk-sharing
21 arrangements in contracts with care management organizations, in accordance with
22 applicable state laws and federal statutes and regulations.

23 **(3) DUTY OF THE SECRETARY.** The secretary shall certify to each county, nursing
24 home, community-based residential facility, adult family home and residential care
25 apartment complex the date on which a resource center that serves the area of the

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1 county, nursing home, community-based residential facility, adult family home or
2 residential care apartment complex is first available to provide a functional and
3 financial screen. To facilitate phase-in of services of resource centers, the secretary
4 may certify that the resource center is available for specified groups of eligible
5 individuals or for specified facilities in the county.

6 **SECTION 1070.** 46.281 (1) (a) of the statutes, as created by 1999 Wisconsin Act
7 (this act), is repealed.

8 **SECTION 1071.** 46.281 (1) (b) of the statutes, as created by 1999 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 1072.** 46.282 of the statutes is created to read:

11 **46.282 Council on long-term care.** The council on long-term care appointed
12 under s. 15.197 (5) shall do all of the following:

13 (1) Assist the department in developing broad policy issues related to
14 long-term care services.

15 (2) Assist the department in developing, implementing, coordinating and
16 guiding long-term care services and systems, including by reviewing and making
17 nonbinding recommendations to the department on all of the following:

18 (a) The department's standard contract provisions for resource centers and
19 care management organizations.

20 (b) The family care benefit, including the per person rate structure for the
21 benefit.

22 (c) The long-term support community options program under s. 46.27.

23 (d) The community integration programs under ss. 46.275, 46.277 and 46.278.

24 (e) Programs other than those under pars (c) and (d) that provide home and
25 community-based services.

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1 (f) The provision of medical assistance services under a fee-for-service system.

2 (3) Monitor patterns of complaints, grievances and appeals related to
3 long-term care in order to identify issues of statewide importance.

4 (4) Monitor the numbers of persons on waiting lists.

5 (5) Review patterns of utilization of various types of services by care
6 management organizations.

7 (6) Monitor the pattern of care management organization enrollments and
8 disenrollments throughout the state.

9 (7) Report annually to the legislature under s. 13.172 (2) and to the governor
10 on the status, significant achievements and problems of resource centers, care
11 management organizations and the family care benefit, including all of the following:

12 (a) Numbers of persons served.

13 (b) Costs of long-term care provided under the family care benefit.

14 (c) The number and service areas of resource centers and care management
15 organizations.

16 (d) Waiting list information.

17 (e) Results of reviews of quality of services provided by resource centers and
18 care management organizations.

19 **SECTION 1073.** 46.282 of the statutes, as created by 1999 Wisconsin Act (this
20 act), is repealed.

21 **SECTION 1074.** 46.283 of the statutes is created to read:

22 **46.283 Resource centers. (1) APPLICATION FOR CONTRACT.** (a) A county board
23 of supervisors and, in a county with a county executive or a county administrator, the
24 county executive or county administrator, may decide all of the following:

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1 1. Whether to authorize one or more county departments under s. 46.21,
2 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the
3 department for a contract to operate a resource center and, if so, which to authorize
4 and what client group to serve.

5 2. Whether to create a family care district to apply to the department for a
6 contract to operate a resource center.

7 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal
8 council, inc., may decide whether to authorize a tribal agency to apply to the
9 department for a contract to operate a resource center for tribal members and, if so,
10 which client group to serve.

11 (c) Under the requirements of par. (a), a county board of supervisors may decide
12 to apply to the department for a contract to operate a multicounty resource center
13 in conjunction with the county board or boards of one or more other counties or a
14 county-tribal resource center in conjunction with the governing body of a tribe or
15 band or the Great Lakes inter-tribal council, inc.

16 (d) Under the requirements of par. (b), the governing body of a tribe or band may
17 decide to apply to the department for a contract to operate a resource center in
18 conjunction with the governing body or governing bodies of one or more other tribes
19 or bands or the Great Lakes inter-tribal council, inc., or with a county board of
20 supervisors.

21 **(2) EXCLUSIVE CONTRACT.** (a) Before July 1, 2001, the department may contract
22 only with a county, a family care district, the governing body of a tribe or band or the
23 Great Lakes inter-tribal council, inc., or with 2 or more of these entities under a joint
24 application, to operate a resource center.

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1 (b) After June 30, 2001, the department may contract with a private nonprofit
2 organization to operate a resource center if the department determines that the
3 organization has no significant connection to an entity that operates a care
4 management organization and if any of the following applies:

5 1. A county board of supervisors declines in writing to apply for a contract to
6 operate a resource center.

7 2. A county agency or a family care district applies for a contract but fails to
8 meet the standards specified in sub. (3).

9 (c) After the period specified in par. (a), the department may contract to operate
10 a resource center with counties, family care districts, the governing body of a tribe
11 or band or the Great Lakes inter-tribal council, inc., or under a joint application of
12 any of these, or with a private nonprofit organization that is entirely separate from
13 an entity that operates a care management organization.

14 **(3) STANDARDS FOR OPERATION.** The department shall assure that at least all of
15 the following are available to a person who contacts a resource center for service:

16 (a) Information and referral services and other assistance at hours that are
17 convenient for the public.

18 (b) A determination of functional eligibility for the family care benefit.

19 (c) Within the limits of available funding, prevention and intervention services.

20 (d) Counseling concerning public and private benefits programs.

21 (e) A determination of financial eligibility and of the maximum amount of cost
22 sharing required for a person who is seeking long-term care services, under
23 standards prescribed by the department.

24 (f) Assistance to a person who is eligible for the family care benefit with respect
25 to the person's choice of whether or not to enroll in a care management organization

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1 and, if so, which available care management organization would best meet his or her
2 needs.

3 (g) Assistance in enrolling in a care management organization for persons who
4 choose to enroll.

5 (h) Equitable assignment of priority on any necessary waiting lists, consistent
6 with criteria prescribed by the department, for persons who are eligible for the family
7 care benefit but who do not meet the criteria under s. 46.286 (3).

8 (i) Assessment of risk for each person who is on a waiting list, as described in
9 par. (h), development with the person of an interim plan of care and assistance to the
10 person in arranging for services.

11 (j) Transitional services to families whose children with physical or
12 developmental disabilities are preparing to enter the adult service system.

13 (k) A determination of eligibility for state supplemental payments under s.
14 49.77, medical assistance under s. 49.46, 49.468 or 49.47 or the federal food stamp
15 program under 7 USC 2011 to 2029.

16 **(4) DUTIES.** A resource center shall do all of the following:

17 (a) Provide services within the entire geographic area prescribed for the
18 resource center by the department.

19 (b) Submit to the department all reports and data required or requested by the
20 department.

21 (c) Implement internal quality improvement and quality assurance processes
22 that meet standards prescribed by the department.

23 (d) Cooperate with any review by an external advocacy organization.

24 (e) Within 6 months after the family care benefit is available to all eligible
25 persons in the area of the resource center, provide information about the services of

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1 the resource center, including the services specified in sub. (3) (d), about assessments
2 under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and about the family care
3 benefit to all older persons and persons with a physical disability who are residents
4 of nursing homes, community-based residential facilities, adult family homes and
5 residential care apartment complexes in the area of the resource center.

6 (f) Provide a functional and financial screen to any resident, as specified in par.
7 (e), who requests a screen and assist any resident who is eligible and chooses to enroll
8 in a care management organization to do so.

9 (g) Provide a functional and financial screen to any person seeking admission
10 to a nursing home, community-based residential facility, residential care apartment
11 complex or adult family home if the secretary has certified that the resource center
12 is available to the person and the facility.

13 (h) Provide access to services under s. 46.90 and ch. 55 to a person who is
14 eligible for the services, through cooperation with the county agency or agencies that
15 provide the services.

16 (i) Assure that emergency calls to the resource center are responded to
17 promptly, 24 hours per day.

18 **(5) FUNDING.** From the appropriation accounts under s. 20.435 (4) (bm) and (pa)
19 and (7) (b), (bd) and (md), the department may contract with organizations that meet
20 standards under sub. (3) for performance of the duties under sub. (4) and shall
21 distribute funds for services provided by resource centers.

22 **(6) GOVERNING BOARD.** A resource center shall have a governing board that
23 reflects the ethnic and economic diversity of the geographic area served by the
24 resource center. At least one-fourth of the members of the governing board shall be

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1 older persons or persons with physical or developmental disabilities or their family
2 members, guardians or other advocates.

3 **(7) EXCHANGE OF INFORMATION.** Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
4 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78
5 (2) (a), a resource center acting under this section may exchange confidential
6 information about a client, as defined in s. 46.287 (1), without the informed consent
7 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284
8 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the resource center,
9 if necessary to enable the resource center to perform its duties or to coordinate the
10 delivery of services to the client.

11 **SECTION 1075.** 46.284 of the statutes is created to read:

12 **46.284 Care management organizations. (1) APPLICATION FOR CONTRACT.**

13 (a) A county board of supervisors and, in a county with a county executive or a county
14 administrator, the county executive or county administrator, may decide all of the
15 following:

16 1. Whether to authorize one or more county departments under s. 46.21,
17 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the
18 department for a contract to operate a care management organization and, if so,
19 which to authorize and what client group to serve.

20 2. Whether to create a family care district to apply to the department for a
21 contract to operate a care management organization.

22 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal
23 council, inc., may decide whether to authorize a tribal agency to apply to the
24 department for a contract to operate a care management organization for tribal
25 members and, if so, which client group to serve.

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1 (c) Under the requirements of par. (a), a county board of supervisors may decide
2 to apply to the department for a contract to operate a multicounty care management
3 organization in conjunction with the county board or boards of one or more other
4 counties or a county-tribal care management organization in conjunction with the
5 governing body of a tribe or band or the Great Lakes inter-tribal council, inc.

6 (d) Under the requirements of par. (b), the governing body of a tribe or band may
7 decide to apply to the department for a contract to operate a care management
8 organization in conjunction with the governing body or governing bodies of one or
9 more other tribes or bands or the Great Lakes inter-tribal council, inc., or with a
10 county board of supervisors.

11 **(2) CONTRACTS.** (a) The department may contract for operation of a care
12 management organization only with an entity that is certified as meeting the
13 requirements under sub. (3). No entity may operate as a care management
14 organization under the requirements of this section unless so certified and under
15 contract with the department.

16 (b) Within each county, the department shall initially contract to operate a care
17 management organization with the county or a family care district if the county
18 elects to operate a care management organization and the care management
19 organization meets the requirements of sub. (3) and performance standards
20 prescribed by the department. A county that contracts under this paragraph may
21 operate the care management organization for all of the target groups or for a
22 selected group or groups. During the first 24 months in which the county has a
23 contract under which it accepts a per person per month payment for each enrollee
24 in the care management organization, the department may not contract with

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1 another organization to operate a care management organization in the county
2 unless any of the following applies:

3 1. The county agrees in writing that at least one additional care management
4 organization is necessary or desirable.

5 2. The county does not have the capacity to serve all county residents who are
6 entitled to the family care benefit in the client group or groups that the county serves
7 and cannot develop the capacity.

8 3. The governing body of a tribe or band or the Great Lakes inter-tribal council,
9 inc., elects to operate a care management organization within the area and is
10 certified under sub. (3).

11 (c) For contracts following the initial contracts specified in par. (b), the
12 department shall, after consulting with the council on long-term care, prescribe
13 criteria to determine the number of care management organizations that are
14 necessary for operation in a county. Under these criteria, the department shall solicit
15 applications, certify those applicants that meet the requirements specified in sub. (3)
16 (a), select certified applicants for contract and contract with the selected applicants.

17 **(3) CERTIFICATION; REQUIREMENTS.** (a) If an entity meets the requirements
18 under par. (b) and applicable rules of the department and submits to the department
19 an application for initial certification or certification renewal, the department shall
20 certify that the entity meets the requirements for a care management organization.

21 (b) To be certified as a care management organization, an applicant shall
22 demonstrate or ensure all of the following:

23 1. Adequate availability of providers with the expertise and ability to provide
24 services that are responsive to the disabilities or conditions of all of the applicant's

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1 proposed enrollees and sufficient representation of programmatic philosophies and
2 cultural orientations to accommodate a variety of enrollee preferences and needs.

3 2. Adequate availability of providers that can meet the preferences and needs
4 of its proposed service recipients for services at various times, including evenings,
5 weekends and, when applicable, on a 24-hour basis.

6 3. Adequate availability of providers that are able and willing to perform all
7 of the tasks that are likely to be identified in proposed enrollees' service and care
8 plans.

9 4. Adequate availability of residential and day services that are geographically
10 accessible to proposed enrollees' homes, families or friends.

11 5. Adequate supported living arrangements of the types and sizes that meet
12 proposed enrollees' preference and needs.

13 6. Expertise in determining and meeting the needs of every target population
14 that the applicant proposes to serve and connections to the appropriate service
15 providers.

16 7. Thorough knowledge of local long-term care and other community resources.

17 8. The ability to manage and deliver, either directly or through subcontracts
18 or partnerships with other organizations, the full range of benefits to be included in
19 the monthly payment amount.

20 9. Thorough knowledge of methods for maximizing informal caregivers and
21 community resources and integrating them into a service or care plan.

22 10. Coverage for a geographic area specified by the department.

23 11. The ability to develop strong linkages with systems and services that are
24 not directly within the scope of the applicant's responsibility but that are important

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1 to the target group that it proposes to serve, including primary and acute health care
2 services.

3 12. Adequate and competent staffing by qualified personnel to perform all of
4 the functions that the applicant proposes to undertake.

5 (4) DUTIES. A care management organization shall, in addition to meeting all
6 contract requirements, do all of the following:

7 (a) Accept requested enrollment of any person who is entitled to the family care
8 benefit and of any person who is eligible for the family care benefit and for whom
9 funding is available. No care management organization may disenroll any enrollee,
10 except under circumstances specified by the department by contract. No care
11 management organization may encourage any enrollee to disenroll in order to obtain
12 long-term care services under the medical assistance fee-for-service system. No
13 involuntary disenrollment is effective unless the department has reviewed and
14 approved it.

15 (b) Conduct a comprehensive assessment for each enrollee, including an
16 in-person interview with the enrollee, using a standard format developed by the
17 department.

18 (c) With the enrollee and the enrollee's family or guardian, if appropriate,
19 develop a comprehensive care plan that reflects the enrollee's values and
20 preferences.

21 (d) Provide or contract for the provision of necessary services and monitor the
22 provided or contracted services.

23 (e) Provide, within guidelines established by the department, a mechanism by
24 which an enrollee may arrange for, manage and monitor his or her family care benefit
25 directly or with the assistance of another person chosen by the enrollee. The care

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1 management organization shall monitor the enrollee's use of a fixed budget for
2 purchase of services or support items from any qualified provider, monitor the health
3 and safety of the enrollee and provide assistance in management of the enrollee's
4 budget and services at a level tailored to the enrollee's need and desire for the
5 assistance.

6 (f) Provide, on a fee-for-service basis, case management services to persons
7 who are functionally eligible but not financially eligible for the family care benefit.

8 (g) Meet all performance standards required by the federal government or
9 promulgated by the department by rule.

10 (h) Submit to the department reports and data required or requested by the
11 department.

12 (i) Implement internal quality improvement and assurance processes that
13 meet standards prescribed by the department by rule.

14 (j) Cooperate with external quality assurance reviews.

15 (k) Meet departmental requirements for protection of solvency.

16 (L) Annually submit to the department an independent financial audit that
17 meets federal requirements.

18 **(5) FUNDING AND RISK-SHARING.** (a) From the appropriation accounts under s.
19 20.435 (4) (b), (g) and (o) and (7) (b) and (bd), the department shall provide funding
20 on a capitated payment basis for the provision of services under this section.
21 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
22 under contract with the department may expend the funds, consistent with this
23 section, including providing payment, on a capitated basis, to providers of services
24 under the family care benefit.

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1 (b) If the expenditures by a care management organization under par. (a)
2 exceed payments received from the department under par. (a), as determined by the
3 department by contract, the department may share the loss with the care
4 management organization, within the limits prescribed under the contract with the
5 department.

6 (c) If the payments received from the department under par. (a) exceed the
7 expenditures by a care management organization under par. (a), as determined by
8 the department by contract, the care management organization may retain a portion
9 of the excess payments, within the limits prescribed under the contract with the
10 department, and shall return the remainder to the department.

11 (d) The department may, by contract, impose solvency protections that the
12 department determines are reasonable and necessary to retain federal financial
13 participation. These protections may include all of the following:

14 1. The requirement that a care management organization segregate a risk
15 reserve from other funds of the care management organization or the authorizing
16 body for the care management organization.

17 2. The requirement that interest accruing to the risk reserve remain in the
18 escrow account for the risk reserve.

19 3. Limitations on the distribution of funds from the risk reserve.

20 4. The requirement that a care management organization place funds in a risk
21 reserve and maintain the risk reserve in an interest-bearing escrow account with a
22 financial institution, as defined in s. 69.30 (1) (b), or invest funds as specified in s.
23 46.2895 (4) (j) 2. or 3. Moneys in the risk reserve or invested as specified in this
24 subdivision may be expended only for the provision of services under this section.

25 If a care management organization ceases participation under this section, the funds

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1 in the risk reserve or invested as specified in this subdivision, minus any
2 contribution of moneys other than those specified in par. (c), shall be returned to the
3 department. The department shall expend the moneys for the payment of
4 outstanding debts to providers of family care benefit services and for the
5 continuation of family care benefit services to enrollees.

6 (e) 1. Subject to subd. 2., a care management organization may enter into
7 contracts with providers of family care benefit services and may limit profits of the
8 providers under the contracts.

9 2. The department shall review the contracts in subd. 1., including rates for the
10 provision of service, to ensure that the contract terms protect services access by
11 enrollees and financial viability of the care management organization, and may
12 require contract revision.

13 **(6) GOVERNING BOARD.** A care management organization shall have a governing
14 board that reflects the ethnic and economic diversity of the geographic area served
15 by the care management organization. At least one-fourth of the members of the
16 governing board shall be older persons or persons with physical or developmental
17 disabilities or their family members, guardians or other advocates who are
18 representative of the care management organization's enrollee.

19 **(7) EXCHANGE OF INFORMATION.** Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
20 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78
21 (2) (a), a care management organization acting under this section may exchange
22 confidential information about a client, as defined in s. 46.287 (1), without the
23 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
24 46.23 (3) (e), 46.283 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of
25 the care management organization, if necessary to enable the care management

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1 organization to perform its duties or to coordinate the delivery of services to the
2 client.

3 **SECTION 1076.** 46.284 (2) (c) of the statutes, as created by 1999 Wisconsin Act
4 (this act), is amended to read:

5 46.284 (2) (c) For contracts following the initial contracts specified in par. (b),
6 the department shall, ~~after consulting with the council on long-term care,~~ prescribe
7 criteria to determine the number of care management organizations that are
8 necessary for operation in a county. Under these criteria, the department shall solicit
9 applications, certify those applicants that meet the requirements specified in sub. (3)
10 (a), select certified applicants for contract and contract with the selected applicants.

11 **SECTION 1077.** 46.285 of the statutes is created to read:

12 **46.285 Operation of resource center and care management**
13 **organization.** In order to meet federal requirements and assure federal financial
14 participation in funding of the family care benefit, a county, a tribe or band, a family
15 care district or an organization, including a private, nonprofit corporation, may not
16 directly operate both a resource center and a care management organization. All of
17 the following apply to operation of both a resource center and a care management
18 organization:

19 **(1) COUNTY OPERATION.** (a) If a county board of supervisors and, if applicable,
20 a county executive or a county administrator, elect to apply to the department for a
21 contract to operate a resource center, the county board of supervisors may create a
22 family care district to apply to the department for a contract to operate a care
23 management organization.

24 (b) If a county board of supervisors and, if applicable, a county executive or a
25 county administrator, elect to apply to the department for a contract to operate a care

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1 management organization, the county board of supervisors may create a family care
2 district to apply to the department to operate a resource center.

3 (2) TRIBAL OR BAND ORGANIZATION. (a) If the governing body of a tribe or band
4 elects to apply to the department for a contract directly to operate a resource center,
5 tribal or band members may form a separate corporation to apply to the department
6 for a contract to operate a care management organization. No members of the
7 governing board of the corporation may be members of the tribal or band governing
8 body.

9 (b) If the governing body of a tribe or band elects to apply to the department
10 for a contract directly to operate a care management organization, tribal or band
11 members may form a separate corporation to apply to the department for a contract
12 to operate a resource center. No members of the governing board of the corporation
13 may be members of the tribal or band governing body.

14 (3) JOINT COUNTY AND TRIBAL OR BAND OPERATION. Any county or family care
15 district that seeks to operate jointly with a tribe or band or tribal or band corporation
16 a care management organization or resource center shall submit jointly with the
17 tribe or band or tribal or band corporation an application to the department to
18 operate the care management organization or resource center.

19 **SECTION 1078.** 46.286 of the statutes is created to read:

20 **46.286 Family care benefit. (1) ELIGIBILITY.** Except as provided in sub. (1m),
21 a person is eligible for, but not necessarily entitled to, the family care benefit if the
22 person is at least 18 years of age; does not have a primary disabling condition of
23 mental illness, substance abuse or developmental disability; and meets all of the
24 following criteria:

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1 (a) *Functional eligibility.* A person is functionally eligible if any of the following
2 applies, as determined by the department or its designee:

3 1. The person’s functional capacity is at either of the following levels:

4 a. The comprehensive level, if the person has a long-term or irreversible
5 condition, expected to last at least 90 days or result in death within one year of the
6 date of application, and requires ongoing care, assistance or supervision.

7 b. The intermediate level, if the person has a condition that is expected to last
8 at least 90 days or result in death within 12 months after the date of application, and
9 is at risk of losing his or her independence or functional capacity unless he or she
10 receives assistance from others.

11 2. The person has a condition that is expected to last at least 90 days or result
12 in death within 12 months after the date of application and, on the date that the
13 family care benefit became available in the person’s county of residence, the person
14 was a resident in a nursing home or was receiving long-term care services, as
15 specified by the department, funded under any of the following:

16 a. The long-term support community options program under s. 46.27.

17 b. Home and community-based waiver programs under 42 USC 1396n (c),
18 including community integration program under s. 46.275, 46.277 or 46.278.

19 c. The Alzheimer’s family caregiver support program under s. 46.87.

20 d. Community aids under s. 46.40, if documented by the county under a method
21 prescribed by the department.

22 e. County funding, if documented by the county under a method prescribed by
23 the department.

24 (b) *Financial eligibility.* A person is financially eligible if all of the following
25 apply:

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1 1. As determined by the department or its designee, either of the following
2 applies:

3 a. The person would qualify for medical assistance except for financial criteria,
4 and the projected cost of the person's care plan, as calculated by the department or
5 its designee, exceeds the person's gross monthly income, plus one-twelfth of his or
6 her countable assets, less deductions and allowances permitted by rule by the
7 department.

8 b. The person is eligible under ch. 49 for medical assistance.

9 2. If subd. 1. b. applies, the person accepts medical assistance unless he or she
10 is exempt from the acceptance under rules promulgated by the department.

11 **(1m) ELIGIBILITY EXCEPTION.** A person whose primary disabling condition is
12 developmental disability is eligible for the family care benefit if the person is a
13 resident of a county or is a member of a tribe or band that has operated, before July
14 1, 2001, a care management organization under s. 46.281 (1) (d) and meets all other
15 eligibility criteria under this subsection.

16 **(2) COST SHARING.** (a) A person who is determined to be financially eligible
17 under sub. (1) (b) shall contribute to the cost of his or her care an amount that is
18 calculated by the department or its designee after subtracting from the person's
19 gross income, plus one-twelfth of countable assets, the deductions and allowances
20 permitted by the department by rule.

21 (b) Funds received under par. (a) shall be used by a care management
22 organization to pay for services under the family care benefit.

23 (c) A person who is required to contribute to the cost of his or her care but who
24 fails to make the required contributions is ineligible for the family care benefit unless

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1 he or she is exempt from the requirement under rules promulgated by the
2 department.

3 **(3) ENTITLEMENT.** (a) Subject to pars. (c) and (d), a person is entitled to and may
4 receive the family care benefit through enrollment in a care management
5 organization if he or she meets the requirements of sub. (1) (intro.), is financially
6 eligible, fulfills any applicable cost-sharing requirements and meets any of the
7 following criteria:

8 1. Is functionally eligible at the comprehensive level.

9 2. Is functionally eligible at the intermediate level and is eligible under sub. (1)

10 (b) 1. b.

11 3. Is functionally eligible at the intermediate level and is determined by an
12 agency under s. 46.90 (2) or specified in s. 55.05 (1t) to be in need of protective services
13 under s. 55.05 or protective placement under s. 55.06.

14 4. Is functionally eligible under sub. (1) (a) 2.

15 5. Is eligible under sub. (1m).

16 (b) An entitled individual who is enrolled in a care management organization
17 may not be involuntarily disenrolled except as follows:

18 1. For cause, subject to the requirements of s. 46.284 (4) (a).

19 2. If the contract between the care management organization and the
20 department is canceled or not renewed. If this circumstance occurs, the department
21 shall assure that enrollees continue to receive needed services through another care
22 management organization or through the medical assistance fee-for-service system
23 or any of the programs specified under sub. (1) (a) 2. a. to d.

24 (c) Within each county and for each client group, par. (a) shall first apply on the
25 effective date of a contract under which a care management organization accepts a

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1 per person per month payment to provide services under the family care benefit to
2 eligible persons in that client group in the county. Within 24 months after this date,
3 the department shall assure that sufficient capacity exists within one or more care
4 management organizations to provide the family care benefit to all entitled persons
5 in that client group in the county.

6 (d) The department shall determine the date, which shall not be later than July
7 1, 2000, on which par. (a) shall first apply to persons who are not eligible for medical
8 assistance under ch. 49.

9 (4) DIVESTMENT; RULES. The department shall promulgate rules relating to
10 prohibitions on divestment of assets of persons who receive the family care benefit,
11 that are substantially similar to applicable provisions under s. 49.453.

12 (5) TREATMENT OF TRUST AMOUNTS; RULES. The department shall promulgate
13 rules relating to treatment of trust amounts of persons who receive the family care
14 benefit, that are substantially similar to applicable provisions under s. 49.454.

15 (6) PROTECTION OF INCOME AND RESOURCES OF COUPLE FOR MAINTENANCE OF
16 COMMUNITY SPOUSE; RULES. The department shall promulgate rules relating to
17 protection of income and resources of couples for the maintenance of the spouse in
18 the community with regard to persons who receive the family care benefit, that are
19 substantially similar to applicable provisions under s. 49.455.

20 (7) RECOVERY OF FAMILY CARE BENEFIT PAYMENTS; RULES. The department shall
21 promulgate rules relating to the recovery from persons who receive the family care
22 benefit, including by liens and from estates, of correctly paid family care benefits,
23 that are substantially similar to applicable provisions under ss. 49.496 and 49.497.

24 **SECTION 1079.** 46.287 of the statutes is created to read:

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1 **46.287 Hearings. (1) DEFINITION.** In this section, “client” means a person
2 applying for eligibility for the family care benefit, an eligible person or an enrollee.

3 **(2) HEARING.** (a) 1. Except as provided in subd. 2., a client may contest any of
4 the following applicable matters by filing, within 45 days after receipt of notice of the
5 contested matter, a written request for a hearing that shall be held under procedures
6 for hearing these disputes that are prescribed by the department by rule:

7 a. Denial of eligibility under s. 46.286 (1) or (1m).

8 b. Determination of cost sharing under s. 46.286 (2).

9 c. Denial of entitlement under s. 46.286 (3).

10 d. Failure to provide timely services and support items that are included in the
11 plan of care.

12 e. Reduction of services or support items under the family care benefit.

13 f. Development of a plan of care that is unacceptable because the plan of care
14 requires the enrollee to live in a place that is unacceptable to the enrollee or the plan
15 of care provides care, treatment or support items that are insufficient to meet the
16 enrollee’s needs, are unnecessarily restrictive or are unwanted by the enrollee.

17 g. Termination of the family care benefit.

18 2. An applicant for or recipient of medical assistance is not entitled to a hearing
19 concerning the identical dispute or matter under both this section and 42 CFR
20 431.200 to 431.246.

21 (b) An enrollee may contest a decision of a care management organization
22 regarding the type, amount or quality of the enrollee’s services under the family care
23 benefit, other than those specified in par. (a) 1. d. to f., or may contest the choice of
24 service provider. In these instances, the enrollee shall first send a written request
25 for review by the unit of the department that monitors care management

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1 organization contracts. This unit shall review and attempt to resolve the dispute.
2 If the dispute is not resolved to the satisfaction of the enrollee, he or she may request
3 a hearing under the procedures specified in par. (a) 1. (intro.).

4 (c) Information regarding the availability of advocacy services and notice of
5 adverse actions taken and appeal rights shall be provided to a client by the resource
6 center or care management organization in a form and manner that is prescribed by
7 the department by rule.

8 **SECTION 1080.** 46.288 of the statutes is created to read:

9 **46.288 Rule-making.** The department shall promulgate as rules all of the
10 following:

11 (1) Standards for performance by resource centers and for certification of care
12 management organizations, including requirements for maintaining quality
13 assurance and quality improvement.

14 (2) Rights of clients, eligible persons and enrollees that are specified in s.
15 46.287.

16 (3) Criteria and procedures for determining functional eligibility under s.
17 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), cost sharing under s. 46.286
18 (2) (a) and entitlement under s. 46.286 (3). The rules for determining functional
19 eligibility under s. 46.286 (1) (a) 1. a. shall be substantially similar to eligibility
20 criteria for receipt of the long-term support community options program under s.
21 46.27. Rules under this subsection shall include definitions of the following terms
22 applicable to s. 46.286:

23 (a) "Primary disabling condition".

24 (b) "Mental illness".

25 (c) "Substance abuse".

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- 1 (d) "Long-term or irreversible".
- 2 (e) "Requires ongoing care, assistance or supervision".
- 3 (f) "Condition that is expected to last at least 90 days or result in death within
- 4 one year".
- 5 (g) "At risk of losing independence or functional capacity".
- 6 (h) "Gross monthly income".
- 7 (i) "Deductions and allowances".
- 8 (j) "Countable assets".
- 9 **(4)** Procedures and standards for procedures for s. 46.287 (2).

10 **SECTION 1081.** 46.289 of the statutes is created to read:

11 **46.289 Transition.** In order to facilitate the transition to the long-term care

12 system specified in ss. 46.2805 to 46.2895, within the limits of applicable federal

13 statutes and regulations and if the secretary of health and family services finds it

14 necessary, he or she may grant a county limited waivers to or exemptions from ss.

15 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2. and 3. and (b) (intro.),

16 1. and 2., (6r) (c), (7) (b), (cj) and (cm) and (11) (c) 5m. (intro.) and 6. and 46.277 (3)

17 (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated under those provisions.

18 **SECTION 1082.** 46.2895 of the statutes is created to read:

19 **46.2895 Family care district. (1) CREATION.** (a) A county board of

20 supervisors may create a special purpose district that is termed a "family care

21 district", that is a local unit of government, that is separate and distinct from, and

22 independent of, the state and the county, and that has the powers and duties

23 specified in this section, if the county board does all of the following:

- 24 1. Adopts an enabling resolution that does all of the following:
- 25 a. Declares the need for establishing the family care district.

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1 b. Specifies the family care district's primary purpose, which shall be to
2 operate, under contract with the department, either a resource center under s.
3 46.283 or a care management organization under s. 46.284, but not both.

4 2. Files copies of the enabling resolution with the secretary of administration,
5 the secretary of health and family services and the secretary of revenue.

6 (b) The county boards of supervisors of 2 or more contiguous counties may
7 together create a family care district with the attributes specified in par. (a) (intro.)
8 on a multicounty basis within the counties if the county boards of supervisors comply
9 with the requirements of par. (a) 1. and 2.

10 **(2) JURISDICTION.** A family care district's jurisdiction is the geographical area
11 of the county or counties of the county board or boards of supervisors who created the
12 family care district.

13 **(3) FAMILY CARE DISTRICT BOARD.** (a) 1. The county board of supervisors of a
14 county or, in a county with a county administrator or county executive, the county
15 administrator or county executive shall appoint the members of the family care
16 district board, which is the governing board of a family care district under sub. (1)
17 (a).

18 2. The county boards of supervisors of 2 or more contiguous counties shall
19 appoint the members of the family care district board, which is the governing board
20 of the family care district under sub. (1) (b). Each county board shall appoint
21 members in the same proportion that the county's population represents to the total
22 population of all of the counties that constitute the jurisdiction of the family care
23 district.

24 (b) 1. The family care district board appointed under par. (a) 1. shall consist of
25 15 persons who are residents of the area of jurisdiction of the family care district.

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1 At least one-fourth of the members shall be representative of the client group or
2 groups whom it is the family care district's primary purpose to serve or those clients'
3 family members, guardians or other advocates.

4 2. The family care district board appointed under par. (a) 2. shall consist of 15
5 persons, plus one additional member for each county in excess of 2, all of whom are
6 residents of the area of jurisdiction of the family care district. At least one-fourth
7 of the members shall be representative of the client group or groups whom it is the
8 family care district's primary purpose to serve or those clients' family members,
9 guardians or other advocates.

10 3. Membership of the family care district board under subd. 1. or 2. shall reflect
11 the ethnic and economic diversity of the area of jurisdiction of the family care district.
12 No member of the board may be an elected or appointed official or an employe of the
13 county or counties that created the family care district. No member of the board may
14 have a private financial interest in or profit directly or indirectly from any contract
15 or other business of the family care district.

16 (c) The members of the family care district board appointed under par. (a) shall
17 serve 3-year terms. No member may serve more than 2 consecutive terms. Of the
18 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for
19 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder,
20 shall be appointed for 5 years. A member shall serve until his or her successor is
21 appointed.

22 (d) As soon as possible after the appointment of the initial members of the
23 family care district board, the board shall organize for the transaction of business
24 and elect a chairperson and other necessary officers. Each chairperson shall be
25 elected by the board from time to time for the term of that chairperson's office as a

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1 member of the board or for the term of 3 years, whichever is shorter, and shall be
2 eligible for reelection. A majority of the board shall constitute a quorum. The board
3 may act based on the affirmative vote of a majority of a quorum.

4 (4) POWERS. Subject to sub. (1) (a) 1. b., a family care district has all the powers
5 necessary or convenient to carry out the purposes and provisions of ss. 46.2805 to
6 46.2895. In addition to all these powers, a family care district may do all of the
7 following:

8 (a) Adopt and alter, at pleasure, an official seal.

9 (b) Adopt bylaws and policies and procedures for the regulation of its affairs
10 and the conduct of its business. The bylaws, policies and procedures shall be
11 consistent with ss. 46.2085 to 46.2895 and, if the family care district contracts with
12 the department under par. (d), with the terms of that contract.

13 (c) Sue and be sued.

14 (d) Negotiate and enter into leases or contracts, including a contract with the
15 department to operate either a resource center under s. 46.283 or a care management
16 organization under s. 46.284, but not both.

17 (e) Provide services related to services available under the family care benefit,
18 to older persons and persons with disabilities, in addition to the services funded
19 under the contract with the department that is specified under par. (d).

20 (f) Acquire, construct, equip, maintain, improve or manage a resource center
21 under s. 46.283 or a care management organization under s. 46.284, but not both.

22 (g) Subject to sub. (8), employ any agent, employe or special adviser that the
23 family care district finds necessary, fix and regulate his or her compensation and
24 provide, either directly or subject to an agreement under s. 66.30 as a participant in

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1 a benefit plan of another governmental entity, any employe benefits, including an
2 employe pension plan.

3 (h) Mortgage, pledge or otherwise encumber the family care district's property
4 or funds.

5 (i) Buy, sell or lease property, including real estate, and maintain or dispose of
6 the property.

7 (j) Invest any funds not required for immediate disbursement in any of the
8 following:

9 1. An interest-bearing escrow account with a financial institution, as defined
10 in s. 69.30 (1) (b).

11 2. Time deposits in any financial institution, as defined in s. 69.30 (1) (b), if the
12 time deposits mature in not more than 2 years.

13 3. Bonds or securities issued or guaranteed as to principal and interest by the
14 federal government or by a commission, board or other instrumentality of the federal
15 government.

16 (k) Create a risk reserve or other special reserve as the family care district
17 board desires or as the department requires under the contract with the department
18 that is specified under par. (d).

19 (L) Accept aid, including loans, to accomplish the purpose of the family care
20 district from any local, state or federal governmental agency or accept gifts, loans,
21 grants or bequests from individuals or entities, if the conditions under which the aid,
22 loan, gift, grant or bequest is furnished are not in conflict with this section.

23 (m) Make and execute other instruments necessary or convenient to exercise
24 the powers of the family care district.

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1 **(5) LIMITATION ON POWERS.** A family care district may not issue bonds or levy
2 a tax or assessment.

3 **(6) DUTIES.** The family care district board shall do all of the following:

4 (a) Appoint a director, who shall hold office at the pleasure of the board.

5 (b) Subject to sub. (8), develop and implement a personnel structure and other
6 employment policies for employes of the family care district.

7 (c) Assure compliance with the terms of any contract with the department
8 under sub. (4) (d).

9 (d) Establish a fiscal operating year and annually adopt a budget for the family
10 care district.

11 (e) Contract for any legal services required for the family care district.

12 (f) Subject to sub. (8), procure liability insurance covering its officers, employes
13 and agents, insurance against any loss in connection with its property and other
14 assets and other necessary insurance; establish and administer a plan of
15 self-insurance; or, subject to an agreement under s. 66.30, participate in a
16 governmental plan of insurance or self-insurance.

17 **(7) DIRECTOR; DUTIES.** The director appointed under sub. (6) (a) shall do all of
18 the following:

19 (a) Manage the property and business of the family care district and manage
20 the employes of the district, subject to the general control of the family care district
21 board.

22 (b) Comply with the bylaws and direct enforcement of all policies and
23 procedures adopted by the family care district board.

24 (c) Perform duties in addition to those specified in pars. (a) and (b) as are
25 prescribed by the family care district board.

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1 **(8) EMPLOYMENT AND EMPLOYEE BENEFITS OF CERTAIN EMPLOYEES.** (a) A family care
2 district board shall do all of the following:

3 1. If the family care district offers employment to any individual who was
4 previously employed by the county, who while employed by the county performed
5 duties relating to the same or a substantially similar function for which the
6 individual is offered employment by the district and whose wages, hours and
7 conditions of employment were established in a collective bargaining agreement
8 with the county under subch. IV of ch. 111 that is in effect on the date that the
9 individual commences employment with the district, with respect to that individual,
10 abide by the terms of the collective bargaining agreement concerning the individual's
11 compensation and benefits until the time of the expiration of that collective
12 bargaining agreement or adoption of a collective bargaining agreement with the
13 district under subch. IV of ch. 111 covering the individual as an employe of the
14 district, whichever occurs first.

15 2. If the family care district offers employment to any individual who was
16 previously employed by the county and who while employed by the county performed
17 duties relating to the same or a substantially similar function for which the
18 individual is offered employment by the district, but whose wages, hours and
19 conditions of employment were not established in a collective bargaining agreement
20 with the county under subch. IV of ch. 111 that is in effect on the date the individual
21 commences employment with the district, with respect to that individual, initially
22 provide that individual the same compensation and benefits that he or she received
23 while employed by the county.

24 3. If the family care district offers employment to any individual who was
25 previously employed by the county and who while employed by the county performed

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1 duties relating to the same or a substantially similar function for which the
2 individual is offered employment by the district, with respect to that individual,
3 recognize all years of service with the county for any benefit provided or program
4 operated by the district for which an employe's years of service may affect the
5 provision of the benefit or the operation of the program.

6 4. If the county has not established its own retirement system for county
7 employes, adopt a resolution that the family care district be included within the
8 provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution,
9 the family care district shall agree to recognize 100% of the prior creditable service
10 of its employes earned by the employes while employed by the district.

11 (b) The county board of supervisors of the area of jurisdiction of the family care
12 district shall do all of the following:

13 1. If the county has established its own retirement system for county employes,
14 provide that family care district employes are eligible to participate in the county
15 retirement system.

16 2. Provide that, subject to the terms of any applicable collective bargaining
17 agreement as provided in par. (a) 1., family care district employes are eligible to
18 receive health care coverage under any county health insurance plan that is offered
19 to county employes.

20 3. Provide that, subject to the terms of any applicable collective bargaining
21 agreement as provided in par. (a) 1., family care district employes are eligible to
22 participate in any deferred compensation or other benefit plan offered by the county
23 to county employes, including disability and long-term care insurance coverage and
24 income continuation insurance coverage.

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1 **(9) CONFIDENTIALITY OF RECORDS.** No record, as defined in s. 19.32 (2), of a family
2 care district that contains personally identifiable information, as defined in s. 19.62
3 (5), concerning an individual who receives services from the family care district may
4 be disclosed by the family care district without the individual's informed consent,
5 except as required to comply with s. 16.009 (2) (p) or 49.45 (4).

6 **(10) EXCHANGE OF INFORMATION.** Notwithstanding sub. (9) and ss. 48.78 (2) (a),
7 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c)
8 and 938.78 (2) (a), a family care district acting under this section may exchange
9 confidential information about a client, as defined in s. 46.287 (1), without the
10 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
11 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction
12 of the family care district, if necessary to enable the family care district to perform
13 its duties or to coordinate the delivery of services to the client.

14 **(11) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY.** The obligations and debts
15 of the family care district are not the obligations or debts of the county that created
16 the family care district.

17 **(12) ASSISTANCE TO FAMILY CARE DISTRICT.** From moneys in the county treasury
18 that are not appropriated to some other purpose, the county board of supervisors
19 under sub. (1) (a) or the county boards of supervisors under sub. (1) (b) may
20 appropriate moneys to the family care district as a gift or may lend moneys to the
21 family care district.

22 **(13) DISSOLUTION.** Subject to the performance of the contractual obligations of
23 a family care district and if first approved by the secretary of the department, the
24 family care district may be dissolved by the joint action of the family care district
25 board and county board of supervisors under sub. (1) (a) or the county boards of

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1 supervisors under sub. (1) (b) that created the family care district. If the family care
2 district is dissolved, the property of the district shall be transferred to the county
3 board of supervisors that created the family care district except as follows:

4 (a) If the family care district was created under sub. (1) (b), the county boards
5 of supervisors shall agree on the apportioning of the family care district's property
6 before the district may be dissolved.

7 (b) If the family care district operates a care management organization under
8 s. 46.284, disposition of any remaining funds in the risk reserve under s. 46.284 (5)

9 (e) shall be made under the terms of the district's contract with the department.

10 **SECTION 1083.** 46.29 (1) (intro.) of the statutes is amended to read:

11 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) ~~(d)~~ (a), the
12 department shall allocate up to \$10,000 in each fiscal year for operation of the council
13 on physical disabilities. The council on physical disabilities shall do all of the
14 following:

15 **SECTION 1084.** 46.40 (1) (a) of the statutes is amended to read:

16 46.40 (1) (a) Within the limits of available federal funds and of the
17 appropriations under s. 20.435 (3) (o) and (7) (b), ~~(kw)~~, (kz) and (o), the department
18 shall distribute funds for community social, mental health, developmental
19 disabilities and alcohol and other drug abuse services and for services under ss.
20 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23,
21 51.42 and 51.437 and to county aging units, as provided in subs. (2), (2m) and (7) to
22 ~~(8)~~ (9).

23 **SECTION 1085.** 46.40 (1) (bm) of the statutes is created to read:

24 46.40 (1) (bm) If the department receives any federal moneys under 42 USC
25 1396 to 1397e in reimbursement of moneys distributed under par. (a) to counties

SENATE BILL 45**SECTION 1085**

1 having a population of less than 500,000 for the provision of case management
2 services for a child who is a recipient of medical assistance, the department shall
3 distribute those federal moneys under sub. (2) to counties having a population of less
4 than 500,000.

5 **SECTION 1086.** 46.40 (2) of the statutes is amended to read:

6 46.40 (2) BASIC COUNTY ALLOCATION. ~~For~~ Subject to sub. (9), for social services
7 under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall
8 distribute not more than ~~\$285,081,000~~ \$277,177,800 for fiscal year ~~1997-98~~
9 1999-2000 and ~~\$284,948,500~~ \$279,462,400 for fiscal year ~~1998-99~~ 2000-01. Of
10 those amounts, the department shall distribute not more than \$4,500,000 in each
11 fiscal year, as provided in s. 46.495 (3), based on performance standards developed
12 under s. 46.47 and incorporated into the contracts under s. 46.031 (2g).

13 **SECTION 1087.** 46.40 (2m) (a) of the statutes is amended to read:

14 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention
15 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the
16 department shall distribute not more than ~~\$10,493,900 in fiscal year 1997-98~~ and
17 ~~not more than \$10,224,100 in fiscal year 1998-99~~ \$11,318,600 in each fiscal year.

18 **SECTION 1088.** 46.40 (8) of the statutes is amended to read:

19 46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. ~~For~~ Subject
20 to sub. (9), for services to persons with Alzheimer's disease and their caregivers
21 under s. 46.87, the department shall distribute not more than \$1,877,000 for each
22 fiscal year.

23 **SECTION 1089.** 46.40 (9) of the statutes is created to read:

24 46.40 (9) TRANSFER OR ADJUSTMENT OF COMMUNITY AIDS ALLOCATIONS. (a)
25 *Transfer to family care program and adult protective services allocation.* If a care

SENATE BILL 45**SECTION 1089**

1 management organization under s. 46.285 is available in a county, the department
2 may dispose of the amount allocated under sub. (8) to that county and not more than
3 21.3% of the amount allocated under sub. (2) to that county as follows:

4 1. By transferring a portion of those amounts, as determined by the
5 department, to the family care program to fund the services of resource centers under
6 s. 46.283 (5) and the services of care management organizations under s. 46.284 (4).

7 2. By transferring a portion of those amounts, as determined by the
8 department, to the county's adult protective services allocation under par. (b).

9 (b) *Adult protective services allocation.* For adult protective services, the
10 department shall distribute the amounts transferred under par. (a) 2. in each fiscal
11 year.

12 (c) *Adjustment for medical assistance buy-in program.* If a former recipient of
13 services funded under the allocation under sub. (2) is a participant in the medical
14 assistance buy-in program under s. 49.472, the department may decrease that
15 allocation by the amount that the department estimates it will incur in providing
16 services to that participant under s. 49.472.

17 **SECTION 1090.** 46.45 (2) (a) of the statutes is amended to read:

18 46.45 (2) (a) If on December 31 of any year there remains unspent or
19 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
20 combined amount received under 42 USC 670 to 679a and 42 USC 1396 to 1397e and
21 allocated distributed under s. 46.40 (2) in that year, the department shall carry
22 forward the excess moneys and distribute not less than 50% of the excess moneys to
23 counties having a population of less than 500,000 for services and projects to assist
24 children and families, notwithstanding the percentage limit specified in sub. (3) (a).
25 A county shall use not less than 50% of the moneys distributed to the county under

SENATE BILL 45**SECTION 1090**

1 this subsection for services for children who are at risk of abuse or neglect to prevent
2 the need for child abuse and neglect intervention services.

3 **SECTION 1091.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 46.45 (2) (a) If on December 31 of any year there remains unspent or
6 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
7 combined amount received under 42 USC 670 to 679a and 42 USC 1396 to 1397e and
8 distributed under s. 46.40 (2) in that year, the department shall carry forward the
9 excess moneys and distribute not less than 50% of the excess moneys to counties
10 having a population of less than 500,000 that are making a good faith effort, as
11 determined by the department, to comply with s. 46.22 (1) (c) 8. f. for services and
12 projects to assist children and families. A county shall use not less than 50% of the
13 moneys distributed to the county under this paragraph for services for children who
14 are at risk of abuse or neglect to prevent the need for child abuse and neglect
15 intervention services. If a county does not comply with s. 46.22 (1) (c) 8. f. before July
16 1, 2006, the department may recover any amounts distributed to that county under
17 this paragraph after June 30, 2001, by billing the county or deducting from that
18 county's allocation under s. 46.40 (2).

19 **SECTION 1092.** 46.47 of the statutes is amended to read:

20 **46.47 Community aids performance standards.** The department, after
21 consultation with the department of administration and with county departments
22 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, shall develop performance
23 standards for services funded by community aids funds allocated under s. 46.40. The
24 department shall ~~implement~~ incorporate the performance standards ~~no later than~~

SENATE BILL 45**SECTION 1092**

1 July 1, 1996 into all contracts under s. 46.031 (2g) that cover contract periods
2 beginning on or after January 1, 2000.

3 **SECTION 1093.** 46.48 (3) of the statutes is renumbered 46.481 (1).

4 **SECTION 1094.** 46.48 (6) of the statutes is amended to read:

5 46.48 (6) CAREER YOUTH DEVELOPMENT CENTER. The department shall distribute
6 \$110,000 \$80,000 in each fiscal year to the career youth development center in the
7 city of Milwaukee. ~~Of these amounts, \$80,000 shall be distributed in each fiscal year~~
8 ~~for the operation of a minority youth substance abuse treatment program and~~
9 ~~\$30,000 shall be distributed in each fiscal year for drug prevention programs for high~~
10 ~~school athletes in the Milwaukee public school system.~~

11 **SECTION 1095.** 46.48 (9) of the statutes is renumbered 46.481 (2).

12 **SECTION 1096.** 46.48 (27) of the statutes is renumbered 46.481 (3) and amended
13 to read:

14 46.481 (3) GRANTS TO RUNAWAY PROGRAMS. The department shall distribute
15 \$100,000 \$50,000 in each fiscal year as grants to programs that provide services for
16 ~~runaways~~ runaway children.

17 **SECTION 1097.** 46.48 (28) of the statutes is renumbered 46.481 (4).

18 **SECTION 1098.** 46.48 (29) of the statutes is amended to read:

19 46.48 (29) ARC COMMUNITY SERVICES, INC. The department shall distribute
20 ~~\$87,500 in fiscal year 1997-98 and \$175,000 in each fiscal year 1998-99~~ to ARC
21 Community Services, Inc., for a program to provide substance abuse day treatment
22 services for pregnant and postpartum women and their infants.

23 **SECTION 1099.** 46.481 (intro.) of the statutes is created to read:

SENATE BILL 45**SECTION 1099**

1 **46.481 Grants for children's community programs.** (intro.) From the
2 appropriation under s. 20.435 (3) (bc), the department shall distribute the following
3 grants for children's community programs:

4 **SECTION 1100.** 46.485 (2g) (intro.) of the statutes is amended to read:

5 46.485 (**2g**) (intro.) From the appropriation under s. 20.435 (~~5~~) (4) (b), the
6 department may in each fiscal year transfer funds to the appropriation under s.
7 20.435 (7) (kb) for distribution under this section and from the appropriation under
8 s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each
9 fiscal year to applying counties in this state that meet all of the following
10 requirements, as determined by the department:

11 **SECTION 1101.** 46.485 (3r) of the statutes is amended to read:

12 46.485 (**3r**) Funds that a county does not encumber before 24 months after
13 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse
14 to the appropriation under s. 20.435 (~~5~~) (4) (b).

15 **SECTION 1102.** 46.495 (1) (am) of the statutes is amended to read:

16 46.495 (**1**) (am) The department shall reimburse each county from the
17 appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and (o) for social services
18 as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1)
19 (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the
20 administration of or aid granted under s. 49.02.

21 **SECTION 1103.** 46.495 (1) (d) of the statutes is amended to read:

22 46.495 (**1**) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw),
23 (kz) and (o), the department shall distribute the funding for social services, including
24 funding for foster care or treatment foster care of a child on whose behalf aid is
25 received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23

SENATE BILL 45**SECTION 1103**

1 as provided under s. 46.40. County matching funds are required for the distributions
2 under s. 46.40 (2) and, (8) and (9) (b). Each county's required match for the
3 distributions under s. 46.40 (2) and (8) for a year equals 9.89% of the total of the
4 county's distributions under s. 46.40 (2) and (8) for that year for which matching
5 funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985
6 stats., to spend for juvenile delinquency-related services from its distribution for
7 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a
8 year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for
9 that year. Matching funds may be from county tax levies, federal and state revenue
10 sharing funds or private donations to the county that meet the requirements
11 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
12 match. If the county match is less than the amount required to generate the full
13 amount of state and federal funds distributed for this period, the decrease in the
14 amount of state and federal funds equals the difference between the required and the
15 actual amount of county matching funds.

16 **SECTION 1104.** 46.495 (3) of the statutes is created to read:

17 46.495 (3) The department shall pay any performance-based distribution
18 under s. 46.40 (2) earned by a county department under s. 46.215, 46.22 or 46.23 by
19 December 31 of the year after the year in which the performance-based distribution
20 was earned. The county department may expend that distribution for any purpose
21 specified in s. 20.435 (7) (b).

22 **SECTION 1105.** 46.70 (2) of the statutes is amended to read:

23 46.70 (2) From the appropriations under s. 20.435 (7) ~~(dL)~~ (kL) and (o), the
24 department may make available to any of the 11 federally recognized tribal
25 governing bodies in this state funds for the purposes stated in sub. (1). Beginning

SENATE BILL 45**SECTION 1105**

1 July 1, 1991, and ending September 30, 1991, the department may award to each
2 tribal governing body up to \$6,800. Beginning October 1, 1991, and ending
3 September 30, 1992, the department may award to each tribal governing body up to
4 \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may
5 award to each tribal governing body up to \$20,400. Receipt of funds is contingent
6 upon department approval of an application submitted by a tribal governing body.
7 The department may partially approve any application and provide only part of the
8 funds requested. Each application shall contain a plan for expenditure of funds,
9 consistent with the purposes stated in sub. (1).

10 **SECTION 1106.** 46.71 (1) (intro.) of the statutes is amended to read:

11 46.71 (1) (intro.) From the appropriation under s. 20.435 (7) (~~dm~~) (km), the
12 department shall, for the development of new drug abuse prevention, treatment and
13 education programs that are culturally specific with respect to American Indians or
14 to supplement like existing programs, allocate a total of not more than \$500,000 in
15 each fiscal year to all the elected governing bodies of federally recognized American
16 Indian tribes or bands that submit to the department plans, approved by the
17 department, that do all of the following:

18 **SECTION 1107.** 46.71 (2) of the statutes is amended to read:

19 46.71 (2) The amount of funds allocated by the department under sub. (1) may
20 not exceed the amounts appropriated under s. 20.435 (7) (~~dm~~) (km).

21 **SECTION 1108.** 46.715 of the statutes is repealed.

22 **SECTION 1109.** 46.76 (3) of the statutes is repealed.

23 **SECTION 1110.** 46.765 of the statutes is repealed.

24 **SECTION 1111.** 46.81 (2) of the statutes is amended to read:

SENATE BILL 45**SECTION 1111**

1 46.81 (2) From the appropriation under s. 20.435 (7) ~~(dj)~~ (dh), the department
2 shall allocate \$2,298,400 in each fiscal year to aging units to provide benefit
3 specialist services for older individuals. The department shall ensure that each
4 aging unit receives funds and shall take into account the proportion of the state's
5 population of low-income older individuals who reside in a county.

6 **SECTION 1112.** 46.81 (5) of the statutes is amended to read:

7 46.81 (5) From the appropriation under s. 20.435 (7) ~~(dj)~~ (dh) the department
8 shall allocate \$182,500 in each fiscal year to area agencies on aging. Each area
9 agency on aging shall use the funds for training, supervision and legal back-up
10 services for benefit specialists within its area.

11 **SECTION 1113.** 46.82 (3) (a) 19. of the statutes is created to read:

12 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
13 under s. 46.283 (1) (a) 1., apply to the department to operate a resource center under
14 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate
15 the resource center.

16 **SECTION 1114.** 46.82 (3) (a) 20. of the statutes is created to read:

17 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
18 under s. 46.284 (1) (a) 1., apply to the department to operate a care management
19 organization under s. 46.284 and, if the department contracts with the county under
20 s. 46.284 (2), operate the care management organization and, if appropriate, place
21 funds in a risk reserve.

22 **SECTION 1115.** 46.856 of the statutes is renumbered 46.856 (2), and 46.856 (2)
23 (intro.), as renumbered, is amended to read:

SENATE BILL 45**SECTION 1115**

1 46.856 (2) (intro.) From the appropriation under s. 20.435 (7) (bg), the
2 department shall award a grant to at least one public agency or private nonprofit
3 organization, ~~as defined in s. 108.02 (19)~~, to do all of the following:

4 **SECTION 1116.** 46.856 (1) of the statutes is created to read:

5 46.856 (1) In this section:

6 (a) "Private nonprofit organization" has the meaning given in s. 108.02 (19).

7 (b) "Public agency" means a county, city, village, town or school district or an
8 agency of this state or of a county, city, village, town or school district.

9 **SECTION 1117.** 46.86 (1) of the statutes is amended to read:

10 46.86 (1) From the appropriation under ~~s. 20.435 (7) (cp) and (md)~~, the
11 department may award funds and from the appropriation under s. 20.435 (7) (md)
12 the department may award not more than \$125,500 in each fiscal year as grants to
13 counties and private nonprofit entities for treatment for pregnant women and
14 mothers with alcohol and other drug abuse treatment needs; mothers who have
15 alcohol and other drug abuse treatment needs and dependent children up to the age
16 of 5 years; and the dependent children up to the age of 5 years of those mothers. The
17 grants shall be awarded in accordance with the department's request-for-proposal
18 procedures. The grants shall be used to establish community-based programs,
19 residential family-centered treatment programs or home-based treatment
20 programs. The program under a grant must include alcohol and other drug abuse
21 treatment services, parent education, support services for the children of the women
22 who are enrolled in the program, vocational assistance and housing assistance. Any
23 program funded under this subsection must also provide follow-up aftercare
24 services to each woman and her children for at least 2 years after the date on which
25 a woman has left the program.

SENATE BILL 45**SECTION 1118**

1 **SECTION 1118.** 46.86 (5) of the statutes is amended to read:

2 46.86 (5) From the appropriation under s. 20.435 (7) (md), the department may
3 not distribute more than ~~\$35,000~~ \$235,000 in each fiscal year as a grant to ~~the ARC~~
4 ~~community services center~~ Community Services, Inc., for women and children in
5 Dane county, to address a projected operation deficit of the center; ~~County~~, to provide
6 additional funding for staff of the center and transportation and meal expenses for
7 chemically dependent women who receive services from the center; ~~and to provide~~
8 additional funding for staff of the center.

9 **SECTION 1119.** 46.86 (6) of the statutes is created to read:

10 46.86 (6) (a) From the appropriation under s. 20.435 (7) (md), the department
11 may award not more than \$1,167,900 in each fiscal year as grants to counties and
12 private entities to provide community-based alcohol and other drug abuse
13 treatment programs that do all of the following:

14 1. Meet special needs of women with problems resulting from alcohol or other
15 drug abuse.

16 2. Emphasize parent education, vocational and housing assistance and
17 coordination with other community programs and with treatment under intensive
18 care.

19 (b) The department shall do all of the following with respect to the grants under
20 par. (a):

21 1. Award the grants in accordance with the department's request-for-proposal
22 procedures.

23 2. Ensure that the grants are distributed in both urban and rural communities.

24 3. Evaluate the programs under the grants by use of client-outcome
25 measurements that the department develops.

SENATE BILL 45**SECTION 1120**

1 **SECTION 1120.** 46.93 (2) (intro.) of the statutes is amended to read:

2 46.93 (2) PURPOSE; ALLOCATION. (intro.) From the appropriation under s. 20.434
3 (1) ~~(b)~~ (ky), the board shall award not more than \$439,300 in each of fiscal years
4 ~~1997-98 and 1998-99~~ year for grants to organizations to provide adolescent
5 pregnancy prevention programs or pregnancy services that include health care,
6 education, counseling and vocational training. Types of services and programs that
7 are eligible for grants include all of the following:

8 **SECTION 1121.** 46.985 (7) (a) of the statutes is amended to read:

9 46.985 (7) (a) From the appropriations under s. 20.435 (7) (b), (kw), (kz) and
10 (o), the department shall allocate to county departments funds for the
11 administration and implementation of the program.

12 **SECTION 1122.** 46.99 of the statutes is created to read:

13 **46.99 Brighter futures initiative. (1) DEFINITION.** In this section

14 (a) "Nonprofit corporation" means a nonstock, nonprofit corporation organized
15 under ch. 181.

16 (b) "Public agency" means a county, city, village, town or school district or an
17 agency of this state or of a county, city, village, town or school district.

18 **(2) AWARDING OF GRANTS.** (a) From the appropriations under s. 20.435 (3) (eg)
19 and (nL), the department, beginning on January 1, 2001, shall distribute \$1,250,600
20 in each fiscal year to applying nonprofit corporations and public agencies operating
21 in a county having a population of 500,000 or more, \$1,109,300 in each fiscal year to
22 applying county departments under s. 46.22, 46.23, 51.42 or 51.437 operating in
23 counties other than a county having a population of 500,000 or more and \$7,500 in
24 each fiscal year to applying federally recognized American Indian tribes or bands in
25 this state to provide programs to accomplish all of the following:

SENATE BILL 45**SECTION 1122**

1 1. Prevent and reduce the incidence of youth violence and other delinquent
2 behavior.

3 2. Prevent and reduce the incidence of youth alcohol and other drug use and
4 abuse.

5 3. Prevent and reduce the incidence of child abuse and neglect.

6 (b) From the appropriation under s. 20.435 (3) (ky), the department, beginning
7 on January 1, 2001, shall distribute \$769,500 in each fiscal year to applying
8 nonprofit corporations and public agencies operating in a county having a population
9 of 500,000 or more, \$425,100 in each fiscal year to applying county departments
10 under s. 46.22, 46.23, 51.42 or 51.437 operating in counties other than a county
11 having a population of 500,000 or more and \$172,500 in each fiscal year to applying
12 federally recognized American Indian tribes or bands in this state to provide
13 programs to accomplish all of the following:

14 1. Prevent and reduce the incidence of nonmarital pregnancy and increase the
15 use of abstinence as a method of preventing nonmarital pregnancy.

16 2. Increase adolescent self-sufficiency by encouraging high school graduation,
17 vocational preparedness, improved social and other interpersonal skills and
18 responsible decision making.

19 (c) A nonprofit corporation, public agency or American Indian tribe or band that
20 is applying for a grant under par. (a) or (b) shall provide to the department a proposed
21 service plan for the use of the grant moneys. If the department approves the service
22 plan, the department may award the grant. The department shall award the grants
23 on a competitive basis and for a 3-year period.

24 **(3) OUTCOMES EXPECTED.** (a) The department shall provide a set of benchmark
25 indicators to measure the outcomes that are expected of a program funded under sub.

SENATE BILL 45**SECTION 1122**

1 (2) (a). Those benchmark indicators shall measure all of the following among youth
2 who have participated in a program funded under sub. (2) (a) or (b):

3 1. The rate of participation in violent or other delinquent behavior.

4 2. The rate of alcohol and other drug use and abuse.

5 3. The rate of nonmarital pregnancy and the rate at which abstinence is used
6 to prevent nonmarital pregnancy.

7 4. The rate of substantiated cases of child abuse and neglect.

8 5. The development of self-sufficiency, as indicated by the rate of high school
9 graduation, the degree of vocational preparedness, any improvements in social and
10 other interpersonal skills and in responsible decision making and any other
11 indicators that the department considers important in indicating the development
12 of adolescent self-sufficiency.

13 6. Any other indicators that the department considers important in indicating
14 the development of positive behaviors among adolescents.

15 (b) The department shall require a grant recipient under sub. (2) (a) or (b) to
16 provide an annual report showing the status of its program participants in terms of
17 the benchmark indicators provided under par. (a) and may renew a grant only if the
18 recipient shows improvement on those indicators.

19 **SECTION 1123.** 46.995 of the statutes, as affected by 1999 Wisconsin Act (this
20 act), is repealed.

21 **SECTION 1124.** 46.995 (2) (intro.) of the statutes is amended to read:

22 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the
23 appropriation account under s. 20.435 (3) (~~eg~~) (ky), the department may allocate
24 \$582,100 in each fiscal year to provide a grant annually to a public or private entity
25 or to the elected governing body of a federally recognized American Indian tribe or

SENATE BILL 45**SECTION 1124**

1 band to provide services in counties or to a tribe or band for adolescent parents which
2 shall emphasize high school graduation and vocational preparation, training and
3 experience and may be structured so as to strengthen the adolescent parent's
4 capacity to fulfill parental responsibilities by developing social skills and increasing
5 parenting skills. The public or private entity seeking to receive a grant to provide
6 these services shall develop a proposed service plan that is approved by the
7 department. Except with respect to award of a grant to a tribe or band, the
8 department shall rank individual counties and give priority by this ranking for the
9 award of grants under this subsection, based on all of the following factors:

10 **SECTION 1125.** 46.995 (3) of the statutes is amended to read:

11 46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the
12 appropriation under s. 20.435 (3) (~~eg~~) (ky), the department may allocate \$340,000 in
13 each fiscal year to provide a grant annually to a public or private entity or to the
14 elected governing body of a federally recognized American Indian tribe or band to
15 provide to high-risk adolescents pregnancy and parenthood prevention services
16 which shall be structured so as to increase development of decision-making and
17 communications skills, promote graduation from high school and expand career and
18 other options and which may address needs of adolescents with respect to pregnancy
19 prevention. Except with respect to award of a grant to a tribe or band, the
20 department shall rank individual counties and give priority by this ranking for the
21 award of grants under this subsection, based on the factors specified under sub. (2)
22 (a) to (d).

23 **SECTION 1126.** 46.996 of the statutes, as affected by 1999 Wisconsin Act (this
24 act), is repealed.

25 **SECTION 1127.** 46.996 (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1127**

1 **46.996 Adolescent services.** (intro.) From the appropriation account under
2 s. 20.435 (3) (eg), the department shall ~~allocate funds in~~ distribute \$62,500 and from
3 the appropriation account under s. 20.435 (3) (ky), the department shall distribute
4 \$287,500, for the following amounts:

5 **SECTION 1128.** 46.997 of the statutes, as affected by 1999 Wisconsin Act (this
6 act), is repealed.

7 **SECTION 1129.** 46.997 (2) (intro.) of the statutes is amended to read:

8 46.997 (2) (intro.) From the appropriation account under s. 20.435 (3) (eg), the
9 department shall ~~allocate not more than \$210,000~~ distribute \$52,500 and from the
10 appropriation account under s. 20.435 (3) (ky), the department shall distribute
11 \$157,500 in each fiscal year to make grants to applying organizations for the
12 provision, on a regional or tribal project basis, of information to communities in order
13 to increase community knowledge about problems of adolescents and information to
14 and activities for adolescents, particularly female adolescents, in order to enable the
15 adolescents to develop skills with respect to all of the following:

16 **SECTION 1130.** 48.02 (6) of the statutes is amended to read:

17 48.02 (6) "Foster home" means any facility that is operated by a person
18 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
19 no more than 4 children ~~unless all of the children are siblings~~ or, if necessary to
20 enable a sibling group to remain together, for no more than 6 children or, if the
21 department promulgates rules permitting a different number of children, for the
22 number of children permitted under those rules.

23 **SECTION 1131.** 48.02 (17) of the statutes is amended to read:

SENATE BILL 45**SECTION 1131**

1 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
2 and physical custody for children, including a holdover room, licensed by the
3 department under s. 48.66 (1) (a).

4 **SECTION 1132.** 48.48 (9) of the statutes is amended to read:

5 48.48 (9) To license foster homes or treatment foster homes as provided in s.
6 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
7 requested to do so, for the use of county departments.

8 **SECTION 1133.** 48.48 (9m) of the statutes is amended to read:

9 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

10 **SECTION 1134.** 48.48 (10) of the statutes is amended to read:

11 48.48 (10) To license child welfare agencies and day care centers as provided
12 in s. 48.66 (1) (a).

13 **SECTION 1135.** 48.55 (title) of the statutes is amended to read:

14 48.55 (title) **State adoption information exchange and state adoption**
15 **center.**

16 **SECTION 1136.** 48.55 of the statutes is renumbered 48.55 (1) and amended to
17 read:

18 48.55 (1) The department shall establish a state adoption information
19 exchange for the purpose of finding adoptive homes for children with special needs
20 who do not have permanent homes. ~~The department shall adopt rules governing the~~
21 ~~adoption information exchange and, from~~ and a state adoption center for the
22 purposes of increasing public knowledge of adoption and promoting to adolescents
23 and pregnant women the availability of adoption services. From the appropriation
24 under s. 20.435 (3) (dg), the department may provide not more than \$75,000 \$125,000

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1 in each fiscal year as grants to individuals and private agencies for to provide
2 adoption information exchange services and to operate the state adoption center.

3 **SECTION 1137.** 48.551 (title) and (1) of the statutes are repealed.

4 **SECTION 1138.** 48.551 (2) (intro.) of the statutes is renumbered 48.55 (2) (intro.)
5 and amended to read:

6 48.55 (2) (intro.) The department shall promulgate rules governing the
7 adoption information exchange and rules specifying the functions of the state
8 adoption center, ~~which.~~ The rules specifying the functions of the state adoption
9 center shall include all of the following:

10 **SECTION 1139.** 48.551 (2) (a), (b), (c), (d) and (e) of the statutes are renumbered
11 48.55 (2) (a), (b), (c), (d) and (e).

12 **SECTION 1140.** 48.561 (3) (b) of the statutes is amended to read:

13 48.561 (3) (b) The department of administration ~~and a county having a~~
14 ~~population of 500,000 or more shall consult to determine the method by which the~~
15 ~~state will~~ shall collect the amount specified in par. (a). ~~If the department of~~
16 ~~administration and from~~ a county having a population of 500,000 or more reach an
17 agreement as to that method and if that agreement calls for by deducting all or part
18 of that amount from any state payment due that county under s. ~~46.40,~~ 79.03, 79.04,
19 79.058, 79.06 or 79.08 ~~or for adding a special charge to the amount of taxes~~
20 ~~apportioned to and levied on that county under s. 70.60, the.~~ The department of
21 administration shall notify the department of revenue, by September 15 of each year,
22 of the amount to be deducted from those the state payments due ~~or to be added as~~
23 ~~that special charge.~~ ~~If the department of administration and a county having a~~
24 ~~population of 500,000 or more do not reach an agreement as to that method by~~
25 ~~September 15 of each year, the department of administration shall determine that~~

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1 method without the agreement of that county under s. 79.03, 79.04, 79.058, 79.06 or
2 79.08. The department of administration shall credit all amounts collected under
3 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
4 the county from which those amounts are collected of that collection.

5 **SECTION 1141.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

6 48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
7 (kc), the department shall reimburse counties having populations of less than
8 500,000 for payments made under this subsection and shall make payments under
9 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
10 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
11 the department shall may make payments in the amount of \$215 per month to a
12 kinship care relative who is providing care and maintenance for a child if all of the
13 following conditions are met:

14 **SECTION 1142.** 48.57 (3m) (ap) of the statutes is created to read:

15 48.57 **(3m)** (ap) Notwithstanding fulfillment of the conditions of eligibility
16 specified in par. (am) 1. to 6., a kinship care relative who is providing care and
17 maintenance for a child is not entitled to receive payments under par. (am).

18 **SECTION 1143.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

19 48.57 **(3n)** (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
20 (kc), the department shall reimburse counties having populations of less than
21 500,000 for payments made under this subsection and shall make payments under
22 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
23 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
24 the department shall may make monthly payments for each child in the amount
25 specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is

SENATE BILL 45**SECTION 1143**

1 providing care and maintenance for that child if all of the following conditions are
2 met:

3 **SECTION 1144.** 48.57 (3n) (ap) of the statutes is created to read:

4 48.57 (3n) (ap) Notwithstanding fulfillment of the conditions of eligibility
5 specified in par. (am) 1. to 5r., a long-term kinship care relative who is providing care
6 and maintenance for a child is not entitled to receive payments under par. (am).

7 **SECTION 1145.** 48.57 (3n) (ar) (intro.) of the statutes is amended to read:

8 48.57 (3n) (ar) (intro.) Subject to par. (ap) and sub. (3p) (fm) 1m. and (hm), a
9 county department or, in a county having a population of 500,000 or more, the
10 department ~~shall~~ may enter into an agreement under par. (am) 6. if all of the
11 following conditions are met:

12 **SECTION 1146.** 48.60 (2) (d) of the statutes is amended to read:

13 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
14 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;

15 **SECTION 1147.** 48.60 (2) (h) of the statutes is repealed.

16 **SECTION 1148.** 48.62 (1) (a) of the statutes is amended to read:

17 48.62 (1) (a) Any person who receives, with or without transfer of legal custody,
18 ~~4 or fewer children or more than 4 children if all of the children are siblings, if~~
19 necessary to enable a sibling group to remain together, 6 or fewer children or, if the
20 department promulgates rules permitting a different number of children, the
21 number of children permitted under those rules, to provide care and maintenance for
22 those children shall obtain a license to operate a foster home from the department,
23 a county department or a licensed child welfare agency as provided in s. 48.75.

24 **SECTION 1149.** 48.651 (1) of the statutes is renumbered 48.651 (1m), and 48.651
25 (1m) (intro.) and (a), as renumbered, are amended to read:

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1 48.651 (1m) (intro.) Each ~~county department~~ certifying agency shall certify,
2 according to the standards adopted by the department of workforce development
3 under s. 49.155 (1d), each day care provider reimbursed for child care services
4 provided to families determined eligible under s. 49.155 (1m), unless the provider is
5 a day care center licensed under s. 48.65 or is established or contracted for under s.
6 120.13 (14). Each ~~county~~ certifying agency may charge a fee to cover the costs of
7 certification. To be certified under this section, a person must meet the minimum
8 requirements for certification established by the department of workforce
9 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and
10 pay the fee specified in this section. The ~~county~~ certifying agency shall certify the
11 following categories of day care providers:

12 (a) Level I certified family day care providers, as established by the department
13 of workforce development under s. 49.155 (1d). No ~~county~~ certifying agency may
14 certify a provider under this paragraph if the provider is a relative of all of the
15 children for whom he or she provides care.

16 **SECTION 1150.** 48.651 (1g) of the statutes is created to read:

17 48.651 (1g) In this section, "certifying agency" means a county department, a
18 tribal governing body or a Wisconsin works agency, as defined in s. 49.001 (9),
19 whichever the department of workforce development requires under s. 49.155 (3) (a)
20 to administer the child care subsidy program under s. 49.155.

21 **SECTION 1151.** 48.651 (2m) of the statutes is amended to read:

22 48.651 (2m) Each ~~county department~~ certifying agency shall provide the
23 department with information about each person who is denied certification for a
24 reason specified in s. 48.685 (2) (a) 1. to 5.

25 **SECTION 1152.** 48.653 of the statutes is amended to read:

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1 **48.653 Information for day care providers.** The department shall provide
2 each day care center licensed under s. 48.65 and each county certifying agency, as
3 defined in s. 48.651 (1g), providing child welfare services with a brochure containing
4 information on basic child care and the licensing and certification requirements for
5 day care providers. Each ~~county agency~~ certifying agency shall provide each day care
6 provider that it certifies with a copy of the brochure.

7 **SECTION 1153.** 48.66 (1) of the statutes is renumbered 48.66 (1) (a) and
8 amended to read:

9 48.66 (1) (a) Except as provided under in s. 48.715 (6) and (7), the department
10 shall license and supervise child welfare agencies, as required by s. 48.60, group
11 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
12 day care centers, as required by s. 48.65. The department may license foster homes
13 or treatment foster homes, as provided by s. 48.62, and may license and supervise
14 county departments in accordance with the procedures specified in this section and
15 in ss. 48.67 to 48.74.

16 (b) Except as provided under in s. 48.715 (6), the department of corrections may
17 license a child welfare agency to operate a secured child caring institution, as defined
18 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
19 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
20 (4m) and referred to the child welfare agency by the court or the department of
21 corrections and to provide supervision, care and maintenance for those juveniles.
22 The department of corrections may also license not more than one county
23 department, as defined in s. 938.02 (2g), to operate a group home that has been
24 licensed under par. (a) as a secured group home, as defined in s. 938.02 (15p), for
25 holding in secure custody juveniles who have been convicted under s. 938.183 or

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1 adjudicated delinquent under s. 938.183 or 938.34 (4h) or (4m) and referred to the
2 department of corrections by the court and to provide supervision, care and
3 maintenance for those juveniles.

4 (c) A license issued under ~~this subsection par. (a) or (b)~~, other than a license to
5 operate a foster home, treatment foster home ~~or~~, secured child caring institution or
6 secured group home, is valid until revoked or suspended. A license issued under this
7 subsection to operate a foster home, treatment foster home ~~or~~, secured child caring
8 institution or secured group home may be for any term not to exceed 2 years from the
9 date of issuance. No license issued under ~~this subsection par. (a) or (b)~~ is
10 transferable.

11 **SECTION 1154.** 48.66 (2m) (a) of the statutes is amended to read:

12 48.66 (2m) (a) The department of health and family services shall require each
13 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
14 home, shelter care facility or day care center who is an individual to provide that
15 department with the applicant's social security number, and shall require each
16 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
17 home, shelter care facility or day care center who is not an individual to provide that
18 department with the applicant's federal employer identification number, when
19 initially applying for or applying to continue the license.

20 **SECTION 1155.** 48.66 (2m) (am) of the statutes is amended to read:

21 48.66 (2m) (am) The department of corrections shall require each applicant for
22 a license under sub. (1) (b) to operate a secured child caring institution who is an
23 individual to provide that department with the applicant's social security number
24 when initially applying for or applying to renew the license.

25 **SECTION 1156.** 48.66 (2m) (b) of the statutes is amended to read:

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1 48.66 **(2m)** (b) The department of health and family services may not issue or
2 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
3 shelter care facility or day care center to or for an applicant who is an individual
4 unless the applicant has provided the applicant's social security number to that
5 department and may not issue or continue a license under sub. (1) (a) to operate a
6 child welfare agency, group home, shelter care facility or day care center to or for an
7 applicant who is not an individual unless the applicant has provided the applicant's
8 federal employer identification number to that department.

9 **SECTION 1157.** 48.66 (2m) (bm) of the statutes is amended to read:

10 48.66 **(2m)** (bm) The department of corrections may not issue or renew a license
11 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
12 who is an individual unless the applicant has provided the applicant's social security
13 number to that department.

14 **SECTION 1158.** 48.68 (1) of the statutes is amended to read:

15 48.68 **(1)** After receipt of an application for a license, the department shall
16 investigate to determine if the applicant meets the minimum requirements for a
17 license adopted by the department under s. 48.67 and meets the requirements
18 specified in s. 48.685, if applicable. In determining whether to issue or continue a
19 license, the department may consider any action by the applicant, or by an employe
20 of the applicant, that constitutes a substantial failure by the applicant or employe
21 to protect and promote the health, safety and welfare of a child. Upon satisfactory
22 completion of this investigation and payment of the fee required under s. 48.615 (1)
23 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
24 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
25 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial

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1 licensure and license renewal, the department shall provide a foster home licensee
2 with written information relating to the age-related monthly foster care rates and
3 supplemental payments specified in s. 48.62 (4), including payment amounts,
4 eligibility requirements for supplemental payments and the procedures for applying
5 for supplemental payments.

6 **SECTION 1159.** 48.685 (1) (a) of the statutes is renumbered 48.685 (1) (at).

7 **SECTION 1160.** 48.685 (1) (am) of the statutes is created to read:

8 48.685 (1) (am) "Certifying agency" has the meaning given in s. 48.651 (1g).

9 **SECTION 1161.** 48.685 (2) (a) (intro.) of the statutes is amended to read:

10 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
11 par. (ad) and sub. (5), if the department, a county department, a child welfare agency,
12 a certifying agency or a school board knows or should know any of the following, the
13 department may not license, or continue or renew the license of, a person to operate
14 an entity, a ~~county department~~ certifying agency may not certify a day care provider
15 under s. 48.651, a county department or a child welfare agency may not license, or
16 renew the license of, a foster home or treatment foster home under s. 48.62 and a
17 school board may not contract with a person under s. 120.13 (14), ~~if the department,~~
18 ~~county department, child welfare agency or school board knows or should have~~
19 ~~known any of the following:~~

20 **SECTION 1162.** 48.685 (2) (ad) of the statutes is amended to read:

21 48.685 (2) (ad) The department, a county department or a child welfare agency
22 may license a foster home or treatment foster home under s. 48.62, a ~~county~~
23 ~~department~~ certifying agency may certify a day care provider under s. 48.651 and a
24 school board may contract with a person under s. 120.13 (14), conditioned on the

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1 receipt of the information specified in par. (am) indicating that the person is not
2 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

3 **SECTION 1163.** 48.685 (2) (ag) (intro.) of the statutes is amended to read:

4 48.685 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
5 sub. (5), if an entity knows or should know any of the following, the entity may not
6 hire or contract with a person who will be under the entity's control, as defined by
7 the department by rule, and who is expected to have access to its clients, or provide
8 to clients of the entity direct care that is more intensive than negligible care in
9 quantity or quality or in amount of time required to provide the care; or the entity
10 may not permit to reside at the entity a person who is not a client and who is expected
11 to have access to a client, ~~if the entity knows or should have known any of the~~
12 ~~following:~~

13 **SECTION 1164.** 48.685 (2) (ag) (intro.) of the statutes, as affected by 1997 Act
14 27, section 1664f, and 1999 Wisconsin Act ... (this act), is repealed and recreated to
15 read:

16 48.685 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
17 sub. (5), if an entity knows or should know any of the following, the entity may not
18 employ or contract with a person who will be under the entity's control, as defined
19 by the department by rule, and who provides to clients of the entity, or is expected
20 to provide to them, direct care that is more intensive than negligible care in quantity
21 or quality or in amount of time required to provide the care; or the entity may not
22 permit to reside at the entity a person who is not a client and who has, or is expected
23 to have, access to a client:

24 **SECTION 1165.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

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1 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
2 county department, a child welfare agency, a certifying agency or a school board shall
3 obtain all of the following with respect to a person specified under par. (a) (intro.) ~~and,~~
4 a person specified under par. (ag) (intro.) who is a nonclient resident or prospective
5 nonclient resident of an entity and ~~shall obtain the information specified in subds.~~
6 ~~1. to 5. with respect to~~ a person specified in par. (ag) (intro.) who is under 18 years
7 of age, but not under 12 years of age, and who is an employe, prospective employe,
8 contractor, prospective contractor, nonclient resident or prospective nonclient
9 resident of a day care center that is licensed under s. 48.65 or established or
10 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
11 48.651:

12 **SECTION 1166.** 48.685 (2) (am) 5. of the statutes is amended to read:

13 48.685 (2) (am) 5. Information maintained by the department under this
14 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
15 to the person of a license, continuation or renewal of a license, certification or a
16 contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding
17 any denial to the person of employment at, a contract with or permission to reside
18 at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained
19 under this subdivision indicates that the person has been denied a license,
20 continuation or renewal of a license, certification, a contract, employment or
21 permission to reside as described in this subdivision, the department, a county
22 department, a child welfare agency, a certifying agency or a school board need not
23 obtain the information specified in subds. 1. to 4.

24 **SECTION 1167.** 48.685 (2) (b) 1. (intro.) of the statutes is amended to read:

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1 48.685 (2) (b) 1. (intro.) Subject to subds. 1. e. ~~and 2.~~, and 4. and par. (bd), every
2 entity shall obtain all of the following with respect to a person specified under par.
3 (ag) (intro.) who is an employe, prospective employe, contractor or prospective
4 contractor of the entity:

5 **SECTION 1168.** 48.685 (2) (b) 2. of the statutes is repealed.

6 **SECTION 1169.** 48.685 (2) (b) 4. of the statutes is amended to read:

7 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
8 18 years of age, but not under 12 years of age, who is an employe, prospective
9 employe, contractor, prospective contractor, nonclient resident or prospective
10 nonclient resident of a day care center that is licensed under s. 48.65 or established
11 or contracted for under s. 120.13 (14) or of a day care provider that is certified under
12 s. 48.651 and with respect to whom the department, a ~~county department~~ certifying
13 agency or a school board is required under par. (am) (intro.) to obtain the information
14 specified in par. (am) 1. to 5.

15 **SECTION 1170.** 48.685 (2) (bd) of the statutes is amended to read:

16 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
17 department, a child welfare agency, a certifying agency or a school board is not
18 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
19 required to obtain the information specified in par. (b) 1. a. to e., with respect to a
20 person under 18 years of age whose background information form under sub. (6) (am)
21 indicates that the person is not ineligible to be employed, contracted with or
22 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with
23 respect to whom the department, county department, child welfare agency, certifying
24 agency, school board or entity otherwise has no reason to believe that the person is
25 ineligible to be employed, contracted with or permitted to reside at an entity for any

SENATE BILL 45**SECTION 1170**

1 of those reasons. This paragraph does not preclude the department, a county
2 department, a child welfare agency, a certifying agency or a school board from
3 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect
4 to a person described in this paragraph who is a nonclient resident or a prospective
5 nonclient resident of an entity.

6 **SECTION 1171.** 48.685 (2) (bm) of the statutes is amended to read:

7 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
8 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
9 the date of the search that person has not been a resident of this state, the
10 department, county department, child welfare agency, certifying agency, school
11 board or entity shall make a good faith effort to obtain from any state in which the
12 person is a resident or was a resident within the 3 years preceding the date of the
13 search information that is equivalent to the information specified in par. (am) 1. or
14 (b) 1. a.

15 **SECTION 1172.** 48.685 (3) (a) of the statutes is amended to read:

16 48.685 (3) (a) Every 4 years or at any time within that period that the
17 department, a county department, a child welfare agency, a certifying agency or a
18 school board considers appropriate, the department, county department, child
19 welfare agency, certifying agency or school board shall request the information
20 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or
21 contracted to operate an entity ~~and, for all persons specified in par. (ag) (intro.) sub.~~
22 (2) (ag) (intro.) who are nonclient residents of an entity and ~~shall request the~~
23 ~~information specified in sub. (2) (am) 1. to 5. for all persons~~ specified in sub. (2) (ag)
24 (intro.) who are under 18 years of age, but not under 12 years of age, and who are
25 employes, contractors or nonclient residents of a day care center that is licensed

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1 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care
2 provider that is certified under s. 48.651.

3 **SECTION 1173.** 48.685 (3m) of the statutes is amended to read:

4 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
5 county department, a child welfare agency, a certifying agency or a school board has
6 obtained the information required under sub. (2) (am) or (3) (a) with respect to a
7 person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor
8 or nonclient resident of an entity, the entity is not required to obtain the information
9 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

10 **SECTION 1174.** 48.685 (5) (a) of the statutes is amended to read:

11 48.685 (5) (a) The department may license to operate an entity, a ~~county~~
12 ~~department~~ certifying agency may certify under s. 48.651, a county department or
13 a child welfare agency may license under s. 48.62 and a school board may contract
14 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
15 contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ,
16 contract with or permit to reside at the entity a person who otherwise may not be
17 employed, contracted with or permitted to reside at the entity for a reason specified
18 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county
19 department, the child welfare agency or the school board by clear and convincing
20 evidence and in accordance with procedures established by the department by rule
21 that he or she has been rehabilitated.

22 **SECTION 1175.** 48.685 (5c) (bm) of the statutes is created to read:

23 48.685 (5c) (bm) Any person who is permitted but fails under sub. (5) (a) to
24 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she
25 has been rehabilitated may appeal to the secretary of workforce development or his

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1 or her designee. Any person who is adversely affected by a decision of the secretary
2 or his or her designee under this paragraph has a right to a contested case hearing
3 under ch. 227.

4 **SECTION 1176.** 48.685 (5m) of the statutes is amended to read:

5 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
6 a person to operate an entity, a county department or a child welfare agency may
7 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
8 may refuse to employ, contract with or permit to reside at the entity a person specified
9 in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the
10 department has not defined as a “serious crime” by rule promulgated under sub. (7)
11 (a), or specified in the list established by rule under sub. (7) (b), but that is, in the
12 estimation of the department, child welfare agency, or entity, substantially related
13 to the care of a client. Notwithstanding s. 111.335, the department may refuse to
14 license a person to operate a day care center, a ~~county department~~ certifying agency
15 may refuse to certify a day care provider under s. 48.651, a school board may refuse
16 to contract with a person under s. 120.13 (14), a day care center that is licensed under
17 s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider
18 that is certified under s. 48.651 may refuse to employ, contract with or permit to
19 reside at the day care center or day care provider a person specified in sub. (2) (ag)
20 (intro.) if the person has been convicted of or adjudicated delinquent on or after his
21 or her 12th birthday for an offense that the department has not defined as a “serious
22 crime” by rule promulgated under sub. (7) (a), or specified in the list established by
23 rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~
24 department certifying agency, school board, day care center or day care provider
25 substantially related to the care of a client.

SENATE BILL 45**SECTION 1177**

1 **SECTION 1177.** 48.685 (6) (a) of the statutes is amended to read:

2 48.685 **(6)** (a) The department shall require any person who applies for
3 issuance, continuation or renewal of a license to operate an entity, a ~~county~~
4 ~~department~~ certifying agency shall require any day care provider who applies for
5 initial certification under s. 48.651 or for renewal of that certification, a county
6 department or a child welfare agency shall require any person who applies for
7 issuance or renewal of a license to operate a foster home or treatment foster home
8 under s. 48.62 and a school board shall require any person who proposes to contract
9 with the school board under s. 120.13 (14) or to renew a contract under that
10 subsection, to complete a background information form that is provided by the
11 department.

12 **SECTION 1178.** 48.685 (6) (am) 1. of the statutes is amended to read:

13 48.685 **(6)** (am) 1. A person who is an employe, prospective employe, contractor
14 or prospective contractor of the entity, who will be under the entity's control and who
15 has, or is expected to have, ~~access to its clients, other than a person specified in sub.~~
16 ~~(2) (b) 2 provides to clients of the entity, or is expected to provide to them, direct care~~
17 that is more intensive than negligible care in quantity or quality or in amount of time
18 required to provide the care.

19 **SECTION 1179.** 48.685 (6) (b) of the statutes is renumbered 48.685 (6) (b) 1. and
20 amended to read:

21 48.685 **(6)** (b) 1. For persons specified ~~under~~ in par. (a) who are licensed by the
22 department, for persons specified in par. (am) 1. who are under 18 years of age, but
23 not under 12 years of age, and who are employes, prospective employes, contractors
24 or prospective contractors of a day care center that is licensed under s. 48.65 or
25 established or contracted for under s. 120.13 (4) or of a day care provider that is

SENATE BILL 45**SECTION 1179**

1 certified under s. 48.651, for persons specified in par. (am) 2. who are nonclient
2 residents or prospective nonclient residents of an entity that is licensed by the
3 department, and for other persons specified by the department by rule, the entity
4 shall send the background information form to the department. For all other persons
5 specified in par. (am) 1., the entity shall maintain the background information form
6 on file for inspection by the department, county department, child welfare agency,
7 certifying agency or school board, whichever is applicable.

8 2. For persons specified ~~under~~ in par. (a) who are licensed ~~or certified~~ by a
9 county department, for persons specified in par. (am) 2. who are nonclient residents
10 or prospective nonclient residents of an entity that is licensed ~~or certified~~ by a county
11 department and for other persons specified by the department by rule, the entity
12 shall send the background information form to the county department.

13 3. For persons specified ~~under~~ in par. (a) who are licensed by a child welfare
14 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective
15 nonclient residents of an entity that is licensed by a child welfare agency and for
16 other persons specified by the department by rule, the entity shall send the
17 background information form to the child welfare agency.

18 5. For persons specified ~~under~~ in par. (a) who are contracted with by a school
19 board, for persons specified in par. (am) 2. who are nonclient residents or prospective
20 nonclient residents of an entity that is contracted with by a school board and for other
21 persons specified by the department by rule, the entity shall send the background
22 information form to the school board. ~~For all other persons specified under par. (am)~~
23 ~~1., the entity shall maintain the background information form on file for inspection~~
24 ~~by the department, county department, child welfare agency or school board,~~
25 ~~whichever is applicable.~~

SENATE BILL 45**SECTION 1180**

1 **SECTION 1180.** 48.685 (6) (b) 4. of the statutes is created to read:

2 48.685 **(6)** (b) 4. For persons specified in par. (a) who are certified by a certifying
3 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective
4 nonclient residents of an entity that is certified by a certifying agency and for other
5 persons specified by the department by rule, the entity shall send the background
6 information form to the certifying agency.

7 **SECTION 1181.** 48.685 (8) of the statutes is amended to read:

8 48.685 **(8)** The department, a county department, a child welfare agency, a
9 certifying agency or a school board may charge a fee for obtaining the information
10 required under sub. (2) (am) or (3) (a). The fee or for providing information to an
11 entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b). The department,
12 a county department, a child welfare agency, a certifying agency or a school board
13 may also charge a fee to a person who requests to demonstrate under sub. (5) (a) that
14 the person has been rehabilitated. Fees charged under this subsection may not
15 exceed the reasonable cost of obtaining the information. No fee may be charged to
16 a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining
17 information if to do so would be inconsistent with federal law.

18 **SECTION 1182.** 48.69 of the statutes is amended to read:

19 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
20 if any child welfare agency, shelter care facility, group home or day care center that
21 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
22 meets the minimum requirements for a license established under s. 48.67 and pays
23 the applicable fee referred to in s. 48.68 (1), the department shall issue a
24 probationary license to that child welfare agency, shelter care facility, group home
25 or day care center. A probationary license is valid for up to 6 months after the date

SENATE BILL 45**SECTION 1182**

1 of issuance unless renewed under this section or suspended or revoked under s.
2 48.715. Before a probationary license expires, the department shall inspect the child
3 welfare agency, shelter care facility, group home or day care center holding the
4 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
5 welfare agency, shelter care facility, group home or day care center meets the
6 minimum requirements for a license established under s. 48.67, the department
7 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
8 section may be renewed for one 6-month period.

9 **SECTION 1183.** 48.715 (1) of the statutes is amended to read:

10 48.715 (1) In this section, “licensee” means a person who holds a license under
11 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
12 agency, shelter care facility, group home or day care center.

13 **SECTION 1184.** 48.715 (2) (a) of the statutes is amended to read:

14 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
15 facility, group home or day care center if the child welfare agency, shelter care facility,
16 group home or day care center is without a license in violation of s. 48.66 (1) (a) or
17 a probationary license in violation of s. 48.69.

18 **SECTION 1185.** 48.715 (2) (b) of the statutes is amended to read:

19 48.715 (2) (b) That a person who employs a person who has had a license under
20 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous
21 5 years terminate the employment of that person within 30 days after the date of the
22 order. This paragraph includes employment of a person in any capacity, whether as
23 an officer, director, agent or employe.

24 **SECTION 1186.** 48.715 (4) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1186**

1 48.715 (4) (intro.) If the department provides written notice of revocation and
2 the grounds for revocation as provided in sub. (4m) and an explanation of the process
3 for appealing a revocation under this subsection, the department may revoke a
4 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69
5 for any of the following reasons:

6 **SECTION 1187.** 48.715 (5) of the statutes is amended to read:

7 48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a
8 probationary license under s. 48.69 to any person who has had a license under s.
9 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5
10 years.

11 **SECTION 1188.** 48.715 (6) of the statutes is amended to read:

12 48.715 (6) The department of health and family services shall deny, suspend,
13 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a
14 probationary license under s. 48.69 to operate a child welfare agency, group home,
15 shelter care facility or day care center, and the department of corrections shall deny,
16 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)
17 (b) to operate a secured child caring institution, for failure of the applicant or licensee
18 to pay court-ordered payments of child or family support, maintenance, birth
19 expenses, medical expenses or other expenses related to the support of a child or
20 former spouse or for failure of the applicant or licensee to comply, after appropriate
21 notice, with a subpoena or warrant issued by the department of workforce
22 development or a county child support agency under s. 59.53 (5) and related to
23 paternity or child support proceedings, as provided in a memorandum of
24 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action

SENATE BILL 45**SECTION 1188**

1 taken under this subsection is subject to review only as provided in the memorandum
2 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

3 **SECTION 1189.** 48.715 (7) of the statutes is amended to read:

4 48.715 (7) The department shall deny an application for the issuance or
5 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
6 to operate a child welfare agency, group home, shelter care facility or day care center,
7 or revoke such a license already issued, if the department of revenue certifies under
8 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action
9 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
10 and not as provided in s. 48.72.

11 **SECTION 1190.** 48.78 (3) of the statutes is created to read:

12 48.78 (3) (a) Except as provided under pars. (b) to (d) or by order of the court,
13 no agency may make available for inspection or disclose the contents of any record
14 kept or information received relating to a foster parent, treatment foster parent or
15 family-operated group home, as defined in s. 48.627 (1), parent or a family member
16 of a foster parent, treatment foster parent or family-operated group home parent
17 without first receiving the written permission of the foster parent, treatment foster
18 parent or family-operated group home parent.

19 (b) Paragraph (a) does not apply to the confidential exchange of information
20 between an agency and another social welfare agency. A social welfare agency that
21 obtains information under this paragraph shall keep the information confidential as
22 required under this section and s. 938.78.

23 (c) Paragraph (a) does not prohibit an agency from making available for
24 inspection or disclosing the contents of a record under s. 48.981 (7).

SENATE BILL 45**SECTION 1190**

1 (d) Paragraph (a) does not prohibit an agency from disclosing the name and
2 address of a foster parent, treatment foster parent or family-operated group home
3 parent under s. 48.20 (8), 48.227 (2), 48.33 (5), 48.355 (2) (b) 2., 48.357 (1) or (2m) or
4 48.38 (4) (c).

5 **SECTION 1191.** 48.825 (3) (b) of the statutes is amended to read:

6 48.825 (3) (b) An individual or agency providing adoption information
7 ~~exchange services~~ under s. 48.55.

8 **SECTION 1192.** 48.825 (3) (c) of the statutes is repealed.

9 **SECTION 1193.** 48.981 (3) (c) 4. of the statutes is amended to read:

10 48.981 (3) (c) 4. The county department or, in a county having a population of
11 500,000 or more, the department or a licensed child welfare agency under contract
12 with the department shall determine, within 60 days after receipt of a report,
13 whether abuse or neglect has occurred or is likely to occur. The determination shall
14 be based on a preponderance of the evidence produced by the investigation. A
15 determination that abuse or neglect has occurred may not be based solely on the fact
16 that the child's parent, guardian or legal custodian in good faith selects and relies on
17 prayer or other religious means for treatment of disease or for remedial care of the
18 child. In making a determination that emotional damage has occurred, the county
19 department or, in a county having a population of 500,000 or more, the department
20 or a licensed child welfare agency under contract with the department shall give due
21 regard to the culture of the subjects. If a determination contains a finding that a
22 specific person has abused or neglected a child, the county department, department
23 or licensed child welfare agency making the determination shall notify that person
24 in writing, at the time that the person is notified of the determination, of the person's
25 right to appeal under par. (e) and of the method by which the person may appeal. This

SENATE BILL 45**SECTION 1193**

1 subdivision does not prohibit a court from ordering medical services for the child if
2 the child's health requires it.

3 **SECTION 1194.** 48.981 (3) (e) of the statutes is created to read:

4 48.981 (3) (e) *Appeal of determination.* If a determination under par. (c) 4.
5 contains a finding that a specific person has abused or neglected a child, that person
6 may appeal that finding in accordance with procedures established by the
7 department.

8 **SECTION 1195.** 48.981 (7) (a) 18. of the statutes is created to read:

9 48.981 (7) (a) 18. A child abuse and neglect citizen review panel established by
10 the department or a county department if the panel determines that access to the
11 records of an agency responsible for child protection is necessary for the panel to
12 carry out its functions.

13 **SECTION 1196.** 48.981 (7) (cm) of the statutes is amended to read:

14 48.981 (7) (cm) ~~An~~ Notwithstanding par. (a), an agency may disclose
15 information from its records for use in proceedings under s. 48.25 (6), 813.122 or
16 813.125.

17 **SECTION 1197.** 48.981 (7) (d) of the statutes is amended to read:

18 48.981 (7) (d) ~~The~~ Notwithstanding par. (a), the department may have access
19 to any report or record maintained by an agency under this section.

20 **SECTION 1198.** 48.981 (7) (dm) of the statutes is created to read:

21 48.981 (7) (dm) Notwithstanding par. (a), an agency may, subject to standards
22 established by the department, disclose to the news media and the general public
23 information from the agency's records concerning a case in which a child died or was
24 placed in serious or critical condition, as certified by a physician, as a result of abuse
25 or neglect. An agency may not disclose under this paragraph any information that

SENATE BILL 45**SECTION 1198**

1 would identify a reporter. Any person who receives any information under this
2 paragraph may disclose that information to anyone.

3 **SECTION 1199.** 48.982 (2) (d) of the statutes is amended to read:

4 48.982 (2) (d) Solicit and accept contributions, grants, gifts and bequests for the
5 children's trust fund or for any other purpose for which a contribution, grant, gift or
6 bequest is made and received. Moneys received under this paragraph may be
7 deposited in credited to the appropriation accounts under s. 20.433 (1) (i), (q) or (r).
8 ~~This paragraph does not apply to moneys received under s. 341.14 (6r) (b) 6.~~

9 **SECTION 1200.** 48.982 (2m) (intro.) of the statutes is amended to read:

10 48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the
11 children's trust fund or for any other purpose under sub. (2) (d), ~~except moneys~~
12 ~~received under s. 341.14 (6r) (b) 6.,~~ the board shall use the money in accordance with
13 the wishes of the donor to do any of the following:

14 **SECTION 1201.** 48.985 (2) of the statutes is amended to read:

15 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
16 appropriation under s. 20.435 (7) (o), the department shall distribute not more than
17 ~~\$3,804,000 in fiscal year 1997-98 and not more than \$3,734,000 in fiscal year~~
18 ~~1998-99~~ \$3,734,000 in each fiscal year of the moneys received under 42 USC 620 to
19 626 to county departments under ss. 46.215, 46.22 and 46.23 for the provision or
20 purchase of child welfare projects and services, for services to children and families,
21 for services to the expectant mothers of unborn children and for family-based child
22 welfare services.

23 **SECTION 1202.** 49.015 (1m) 5. of the statutes is created to read:

24 49.015 (1m) 5. The individual has infectious tuberculosis, as defined in s.
25 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).

SENATE BILL 45**SECTION 1203**

1 **SECTION 1203.** 49.025 (2) (a) (intro.) of the statutes is amended to read:

2 49.025 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a
3 year, the department shall pay to the county, in accordance with s. 49.031, from the
4 appropriation under s. 20.435 ~~(5)~~ (4) (bt), an amount for that year determined as
5 follows:

6 **SECTION 1204.** 49.025 (2) (a) 1. b. of the statutes is amended to read:

7 49.025 (2) (a) 1. b. For any year, 45% of the total amount expended by the county
8 in that year as relief for health care services provided to dependent persons,
9 including the amount transferred to the appropriation account under s. 20.435 (4)
10 (h) in that year and the amount estimated to be received from the federal government
11 as a match to the funds expended from the appropriation account under s. 20.435 (4)
12 (h).

13 **SECTION 1205.** 49.027 (2) (a) (intro.) of the statutes is amended to read:

14 49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a
15 year, the department shall pay to the county, in accordance with s. 49.031, from the
16 appropriation under s. 20.435 ~~(5)~~ ~~(bu)~~ (4) (bt), an amount for that year determined
17 as follows:

18 **SECTION 1206.** 49.027 (2) (a) 1. d. of the statutes is amended to read:

19 49.027 (2) (a) 1. d. The department shall multiply the amount determined
20 under subd. 1. c. by the amount appropriated under s. 20.435 ~~(5)~~ ~~(bu)~~ (4) (bt) for relief
21 block grants for that year.

22 **SECTION 1207.** 49.029 (2) of the statutes, as affected by 1999 Wisconsin Act
23 (this act), is amended to read:

24 49.029 (2) AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the
25 appropriation under s. 20.435 (4) ~~(bs)~~ (kb), the department shall distribute a relief

SENATE BILL 45**SECTION 1207**

1 block grant to each eligible tribal governing body in an amount and in a manner
2 determined in accordance with rules promulgated by the department. The
3 department shall promulgate the rules after consulting with all tribal governing
4 bodies eligible for a relief block grant. In promulgating rules under this section, the
5 department shall consider each tribe's economic circumstances and need for health
6 care services.

7 **SECTION 1208.** 49.08 of the statutes is amended to read:

8 **49.08 Recovery of relief and other assistance.** If any person is the owner
9 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
10 funded by a relief block grant or other assistance as an inmate of any county or
11 municipal institution in which the state is not chargeable with all or a part of the
12 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06~~ and
13 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,
14 the authorities charged with the care of the dependent, or the board in charge of the
15 institution, may sue for the value of the relief or other assistance from the person or
16 the person's estate. Except as otherwise provided in this section, the 10-year statute
17 of limitations may be pleaded in defense in an action to recover relief or other
18 assistance. Where the recipient of relief or other assistance is deceased, a claim may
19 be filed against the decedent's estate and the statute of limitations specified in s.
20 859.02 shall be exclusively applicable. The court may refuse to render judgment or
21 allow the claim in any case where a parent, spouse, surviving spouse or child is
22 dependent on the property for support. The court in rendering judgment shall take
23 into account the current family budget requirement as fixed by the U.S. department
24 of labor for the community or as fixed by the authorities of the community in charge
25 of public assistance. The records kept by the municipality, county or institution are

SENATE BILL 45**SECTION 1208**

1 prima facie evidence of the value of the relief or other assistance furnished. This
2 section shall not apply to any person who receives care for pulmonary tuberculosis
3 as provided in s. 252.08 (4).

4 **SECTION 1209.** 49.124 (1g) (a) of the statutes is amended to read:

5 49.124 (1g) (a) The individual is a custodial parent of a child who is under the
6 age of 18 and who has an absent parent, or the individual lives with and exercises
7 parental control over a child who is under the age of 18 and who has an absent parent,
8 and the individual does not fully cooperate in good faith with efforts directed at
9 establishing the paternity of the child, if necessary, and obtaining support payments
10 establishing or enforcing a support order, if any appropriate, or obtaining other
11 payments or property, if any, to which that individual or the child may have rights.
12 This paragraph does not apply if the individual has good cause for refusing to
13 cooperate, as determined by the department in accordance with federal law and
14 regulations.

15 **SECTION 1210.** 49.136 (2) (a) of the statutes is amended to read:

16 49.136 (2) (a) From the allocation under s. 49.155 (1g) (b), the department shall
17 award grants and low-interest loans for the start-up or expansion of child care
18 services.

19 **SECTION 1211.** 49.136 (2) (b) of the statutes is amended to read:

20 49.136 (2) (b) The department shall attempt to award grants and low-interest
21 loans under this section to head start agencies designated under 42 USC 9836,
22 employers that provide or wish to provide child care services for their employes,
23 family day care centers, group day care centers and, day care programs for the
24 children of student parents, organizations that provide child care for sick children

SENATE BILL 45**SECTION 1211**

1 and child care providers that employ participants or former participants in a
2 Wisconsin works employment position under s. 49.147 (3) to (5).

3 **SECTION 1212.** 49.136 (7) of the statutes is amended to read:

4 49.136 (7) **GRANT AND LOW-INTEREST LOAN ADMINISTRATION.** (a) The department
5 shall establish guidelines for eligibility for a grant or a low-interest loan under this
6 section. The department need not promulgate those guidelines as rules under ch.
7 227.

8 (b) The department may administer the grant and low-interest loan
9 application process processes under this section or contract for the administration
10 of ~~that process~~ those processes.

11 **SECTION 1213.** 49.1375 of the statutes is created to read:

12 **49.1375 Early childhood excellence initiative.** (1) The department shall
13 establish a grant program to develop at least 5 early childhood centers for children
14 under the age of 5 who are eligible to receive temporary assistance to needy families
15 under 42 USC 601 et seq. Centers awarded a grant under this subsection shall
16 provide outreach and training for parents of the children served by the center and
17 training for child care providers. The centers shall emphasize stimulation of the
18 child's language skills and senses of vision and touch. A person who is awarded a
19 grant under this subsection shall contribute matching funds from local or private
20 sources equal to 25% of the amount awarded under this subsection.

21 (2) The department shall establish a grant program under which a child care
22 provider that receives training at a center that is awarded a grant under sub. (1) may
23 apply for a grant to establish an early childhood program that serves children
24 specified under sub. (1). The program developed under a grant received under this
25 subsection shall emphasize stimulation of the children's language skills and senses

SENATE BILL 45**SECTION 1213**

1 of vision and touch. A person who is awarded a grant under this subsection shall
2 contribute matching funds from local or private sources equal to 25% of the amount
3 awarded under this subsection.

4 **SECTION 1214.** 49.141 (2) of the statutes is repealed.

5 **SECTION 1215.** 49.141 (2g) (a) of the statutes is renumbered 49.141 (2g).

6 **SECTION 1216.** 49.141 (2g) (b) of the statutes is repealed.

7 **SECTION 1217.** 49.143 (1) (a) of the statutes is amended to read:

8 49.143 (1) (a) Except as provided in par. (am), the department may award a
9 contract, on the basis of a competitive process approved by the secretary of
10 administration, to any person to administer Wisconsin works in a geographical area
11 determined by the department under sub. (6). ~~The department shall award contracts~~
12 ~~under this paragraph before the date that is specified in s. 49.141 (2) (d).~~

13 **SECTION 1218.** 49.143 (1) (am) 1. of the statutes is repealed and recreated to
14 read:

15 49.143 (1) (am) 1. The department shall contract with a Wisconsin works
16 agency to administer Wisconsin works if that agency has met the performance
17 standards established by the department during the immediately preceding contract
18 period. The contract shall be for a term of at least 2 years. A Wisconsin works agency
19 may elect not to enter into a contract under this subdivision if the Wisconsin works
20 agency informs the department by the date established by the department that the
21 Wisconsin works agency has made that election.

22 **SECTION 1219.** 49.143 (1) (am) 2. of the statutes is amended to read:

23 49.143 (1) (am) 2. A ~~county or tribal governing body~~ Wisconsin works agency
24 ~~that has not met the aid to families with dependent children caseload performance~~

SENATE BILL 45**SECTION 1219**

1 standards established by the department may apply for a contract under the
2 competitive process established under par. (a).

3 **SECTION 1220.** 49.143 (1) (at) of the statutes is repealed.

4 **SECTION 1221.** 49.143 (2) (cr) of the statutes is amended to read:

5 49.143 (2) (cr) Provide, or contract with another person to provide, budgeting
6 and financial planning services, including credit establishment and credit repair
7 assistance training to participants. ~~Prior to providing, or contracting with another~~
8 ~~to provide, the assistance specified under this paragraph, the Wisconsin works~~
9 ~~agency shall submit a proposed plan for the provision of that assistance to the~~
10 ~~department. The secretary shall submit each proposed plan to the cochairpersons~~
11 ~~of the joint committee on finance. If, within 14 days after receiving the proposed~~
12 ~~plans, the cochairpersons do not notify the secretary that the joint committee on~~
13 ~~finance has scheduled a meeting for the purpose of reviewing the proposed plans, the~~
14 ~~department shall direct each Wisconsin works agency that submitted proposed plans~~
15 ~~to implement the plans. If, within 14 days, the co-chairs notify the secretary that~~
16 ~~they have scheduled a meeting for the purpose of reviewing the proposed plans, no~~
17 ~~Wisconsin works agency may implement its plan until the joint committee on finance~~
18 ~~approves the plan. Every January 31, the department shall submit to the joint~~
19 ~~committee on finance a report specifying the total amount expended in the previous~~
20 ~~year for the provision of credit establishment and credit repair assistance under this~~
21 ~~paragraph.~~

22 **SECTION 1222.** 49.143 (2) (e) of the statutes is amended to read:

23 49.143 (2) (e) To the extent permitted under federal law or waiver, certify
24 eligibility for and issue food coupons to eligible Wisconsin works participants in
25 conformity with 7 USC 2011 to 2029 as provided in ss. 46.215 (1g) and 46.22 (1g).

SENATE BILL 45**SECTION 1223**

1 **SECTION 1223.** 49.143 (2) (em) of the statutes is renumbered 49.143 (2) (em) 1.
2 and amended to read:

3 49.143 (2) (em) 1. ~~Determine~~ Except as provided in subd. 2., determine
4 eligibility for child care assistance under s. 49.155 and refer eligible families to
5 county departments under s. 46.215, 46.22 or 46.23 for child care services.

6 **SECTION 1224.** 49.143 (2) (em) 2. of the statutes is created to read:

7 49.143 (2) (em) 2. If required under s. 49.155 (3) (a) or (am), certify child care
8 providers under s. 48.651 and administer child care assistance under s. 49.155.

9 **SECTION 1225.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

10 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
11 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
12 opportunities and basic skills program ~~begins to count~~ counts toward the 60-month
13 limit ~~beginning on October 1, 1996.~~

14 **SECTION 1226.** 49.145 (3) (a) of the statutes is amended to read:

15 49.145 (3) (a) *Resource limitations.* The individual is a member of a Wisconsin
16 works group whose assets do not exceed \$2,500 in combined equity value. In
17 determining the combined equity value of assets, the Wisconsin works agency shall
18 exclude the equity value of vehicles up to a total equity value of \$10,000, the value
19 of an individual development account established under s. 49.187 and one home that
20 serves as the homestead for the Wisconsin works group.

21 **SECTION 1227.** 49.145 (3) (b) 2. of the statutes is repealed.

22 **SECTION 1228.** 49.145 (4) of the statutes is amended to read:

23 49.145 (4) **REVIEW OF ELIGIBILITY.** A Wisconsin works agency shall periodically
24 review an individual's eligibility. The individual remains eligible under sub. (3) until
25 the Wisconsin works group's assets ~~exceed the asset limits for at least 2 months or~~

SENATE BILL 45**SECTION 1228**

1 until the or income of the ~~Wisconsin works group~~ is expected to exceed the asset or
2 income limits limit under sub. (3) for at least 2 consecutive months.

3 **SECTION 1229.** 49.147 (1m) of the statutes is created to read:

4 49.147 **(1m)** EDUCATIONAL NEEDS ASSESSMENT. Upon determining that the
5 appropriate placement for an individual is in unsubsidized employment or a trial job,
6 the Wisconsin works agency shall conduct an educational needs assessment of the
7 individual. If the Wisconsin works agency determines that the individual needs
8 basic education, including a course of study meeting the standards established under
9 s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation,
10 and if the individual wishes to pursue basic education, the Wisconsin works agency
11 shall include basic education in an employability plan developed for the individual.
12 The Wisconsin works agency shall pay for the basic education services identified in
13 the employability plan.

14 **SECTION 1230.** 49.147 (4) (c) 1g. of the statutes, as affected by 1997 Wisconsin
15 Act 27, is repealed and recreated to read:

16 49.147 **(4)** (c) 1g. 'Limited participation.' Not more than 2,500 participants
17 statewide may participate under this paragraph at any given time. The department
18 shall allocate the 2,500 slots among the Wisconsin works agencies based on a formula
19 developed by the department.

20 **SECTION 1231.** 49.147 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin
21 Act 27, is amended to read:

22 49.147 **(4)** (c) 2. 'Eligibility.' A Wisconsin works agency may not place an
23 individual under this paragraph unless the Wisconsin works agency determines that
24 the individual is working at least 15 hours per week in an qualified for unsubsidized

SENATE BILL 45**SECTION 1231**

1 job employment but has been unable to secure full-time unsubsidized employment
2 despite reasonable efforts on the part of the individual.

3 **SECTION 1232.** 49.147 (4) (c) 3. (intro.) of the statutes, as affected by 1997
4 Wisconsin Act 27, is renumbered 49.147 (4) (c) 3. and amended to read:

5 49.147 (4) (c) 3. ‘Work supplementation.’ The Wisconsin works agency may
6 require a participant under this paragraph to work in a community service job for
7 not more than the lesser of the following in a community service job under this
8 paragraph: 30 hours per week and to participate in job search activities for not more
9 than 10 hours per week.

10 **SECTION 1233.** 49.147 (4) (c) 3. a. and b. of the statutes, as affected by 1997
11 Wisconsin Act 27, are repealed.

12 **SECTION 1234.** 49.147 (4) (c) 6. of the statutes, as affected by 1997 Wisconsin
13 Act 27, is repealed.

14 **SECTION 1235.** 49.1475 of the statutes is created to read:

15 **49.1475 Follow-up services.** Following any follow-up period required by the
16 contract entered into under s. 49.143, a Wisconsin works agency may provide case
17 management services for an individual who moves from a Wisconsin works
18 employment position to unsubsidized employment to help the individual retain the
19 unsubsidized employment. Case management services may include the provision of
20 employment skills training; English as a 2nd language classes, if the Wisconsin
21 works agency determines that the course will facilitate the individual’s efforts to
22 retain employment; a course of study meeting the standards established under s.
23 115.29 (4) for the granting of a declaration of equivalency of high school graduation;
24 or other remedial education courses. The Wisconsin works agency may provide case
25 management services regardless of the individual’s income and asset levels.

SENATE BILL 45**SECTION 1236**

1 **SECTION 1236.** 49.148 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin
2 Act 27, is amended to read:

3 49.148 (1) (b) 1. For a participant in a community service job under s. 49.147
4 (4) (b), a monthly grant of \$673 paid by the Wisconsin works agency ~~or by the~~
5 ~~department under sub. (2).~~ If a participant in a community service job under s.
6 49.147 (4) (b) is required to work fewer than 30 hours per week because the
7 participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the
8 Wisconsin works agency may reduce the monthly grant in accordance with a
9 schedule developed by the department by rule. For every hour that the participant
10 misses work or education or training activities without good cause, the grant amount
11 shall be reduced by \$5.15. Good cause shall be determined by the financial and
12 employment planner in accordance with rules promulgated by the department. Good
13 cause shall include required court appearances for a victim of domestic abuse. ~~If a~~
14 ~~participant in a community service job under s. 49.147 (4) (b) is required to work~~
15 ~~fewer than 30 hours per week because the participant has unsubsidized~~
16 ~~employment, as defined in s. 49.147 (1) (c), the grant amount under this paragraph~~
17 ~~may be reduced by an amount equal to the product of \$5.15 and the difference~~
18 ~~between 30 and the number of hours the participant is required to work.~~

19 **SECTION 1237.** 49.148 (1) (b) 2. of the statutes, as affected by 1997 Wisconsin
20 Act 27, is amended to read:

21 49.148 (1) (b) 2. For a participant in a community service job under s. 49.147
22 (4) (c), minimum wage for every hour actually worked in the community service job,
23 not to exceed ~~15~~ 30 hours per week, paid by the employer, as defined in s. 49.147 (4)
24 (c) 1.

25 **SECTION 1238.** 49.151 (1) (f) of the statutes is created to read:

SENATE BILL 45**SECTION 1238**

1 49.151 (1) (f) If the individual is a participant under s. 49.147 (4) (c), the
2 individual fails, without good cause, to participate in job search activities required
3 under s. 49.147 (4) (c) 3.

4 **SECTION 1239.** 49.155 (1) (ad) of the statutes is created to read:

5 49.155 (1) (ad) “Administering agency” means the county department, a tribal
6 governing body or the Wisconsin works agency that is required by the department
7 under sub. (3) (a) or (am) to administer child care assistance under this section.

8 **SECTION 1240.** 49.155 (1) (aj) of the statutes is created to read:

9 49.155 (1) (aj) “County department” means a county department under s.
10 46.215, 46.22 or 46.23.

11 **SECTION 1241.** 49.155 (1) (aL) of the statutes is created to read:

12 49.155 (1) (aL) “Disabled” means physically or mentally incapable of caring for
13 oneself.

14 **SECTION 1242.** 49.155 (1) (am) of the statutes is amended to read:

15 49.155 (1) (am) “Level I certified family day care provider” means a day care
16 provider certified under s. 48.651 ~~(1)~~ (1m) (a).

17 **SECTION 1243.** 49.155 (1) (b) of the statutes is amended to read:

18 49.155 (1) (b) “Level II certified family day care provider” means a day care
19 provider certified under s. 48.651 ~~(1)~~ (1m) (b).

20 **SECTION 1244.** 49.155 (1g) (intro.) of the statutes is amended to read:

21 49.155 (1g) DISTRIBUTION OF FUNDS. (intro.) Subject to sub. (1j) and s. ~~16.54 (2)~~,
22 the department shall, within the limits of the availability of the federal child care and
23 development block grant funds received under 42 USC 9858, do all of the following:

24 **SECTION 1245.** 49.155 (1g) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 1245**

1 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
2 \$4,315,000 \$15,178,900 in fiscal year ~~1997-98~~ 1999-2000 and \$4,315,000
3 \$12,878,900 in fiscal year ~~1998-99~~ 2000-01 for the purposes of providing technical
4 assistance for child care providers and of administering the child care program under
5 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
6 day care services, and for child day care start-up and expansion planning, for grants
7 and low-interest loans under s. 49.134 (2) for child day care resource and referral
8 services, for grants under s. 49.137 (3) to assist child care providers in meeting the
9 quality of care standards established under sub. (1d), and for a system of rates or a
10 program of grants, as provided under sub. (1d), to reimburse child care providers that
11 meet those quality of care standards and for grants under s. 49.137 (2) and contracts
12 under s. 49.137 (4) to improve the quality of child day care services in this state.

13 **SECTION 1246.** 49.155 (1g) (c) of the statutes is amended to read:

14 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
15 \$1,687,400 \$3,596,900 in fiscal year ~~1997-98~~ 1999-2000 and \$1,687,400 \$3,745,200
16 in fiscal year ~~1998-99~~ 2000-01 to the appropriation under s. 20.435 (6) (3) (kx), and
17 transfer \$20,700 in fiscal year 1999-2000 and \$27,700 in fiscal year 2000-01 to the
18 appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing
19 under s. 48.65.

20 **SECTION 1247.** 49.155 (1g) (d) of the statutes is created to read:

21 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (mc), transfer
22 \$182,200 in each fiscal year to the appropriation under s. 20.435 (3) (kx) for the
23 administration of day care programs for foster parents in a county having a
24 population of 500,000 or more.

25 **SECTION 1248.** 49.155 (1m) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1248**

1 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine
2 eligibility for a child care subsidy under this section. Under this section, an
3 individual may receive a subsidy for child care for a child who has not attained the
4 age of 13 or, if the child is disabled, who has not attained the age of 19, if the
5 individual meets all of the following conditions:

6 **SECTION 1249.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

7 49.155 (1m) (a) (intro.) The individual is a parent of a child who is under the
8 age of 13, or, if the child is disabled, is under the age of 19; or is a person who, under
9 s. 48.57 (3m) or (3n), is providing care and maintenance for a child who is under the
10 age of 13, or, if the child is disabled, is under the age of 19; and child care services
11 for that child are needed in order for the individual to do any of the following:

12 **SECTION 1250.** 49.155 (1m) (a) 4. (intro.) of the statutes is amended to read:

13 49.155 (1m) (a) 4. (intro.) ~~Participate in other employment skills training~~ If the
14 Wisconsin works agency determines that basic education would facilitate the
15 individual's efforts to obtain or maintain employment, participate in basic education,
16 including an English as a 2nd language course, ~~if the Wisconsin works agency~~
17 ~~determines that the course would facilitate the individual's efforts to obtain~~
18 ~~employment;~~ literacy tutoring; or a course of study meeting the standards
19 established by the state superintendent of public instruction under s. 115.29 (4) for
20 the granting of a declaration of equivalency of high school graduation; ~~a course of~~
21 ~~study at a technical college, if the Wisconsin works agency determines that the~~
22 ~~course would facilitate the individual's efforts to obtain or maintain employment; or~~
23 ~~participation in educational courses that provide an employment skill, as~~
24 ~~determined by the department.~~ An individual may receive aid under this subdivision

SENATE BILL 45**SECTION 1250**

1 for up to ~~two~~ 2 years. An individual may not receive aid under this subdivision unless
2 the individual meets at least one of the following conditions:

3 **SECTION 1251.** 49.155 (1m) (a) 4. a. of the statutes is amended to read:

4 49.155 (**1m**) (a) 4. a. The individual ~~has been~~ is employed in unsubsidized
5 employment ~~for 9 consecutive months and continues to be so employed.~~

6 **SECTION 1252.** 49.155 (1m) (a) 5. of the statutes is created to read:

7 49.155 (**1m**) (a) 5. Participate in a course of study at a technical college, or
8 participate in educational courses that provide an employment skill, as determined
9 by the department, if the Wisconsin works agency determines that the course or
10 courses would facilitate the individual's efforts to obtain or maintain employment.
11 An individual may receive aid under this subdivision for up to 2 years. An individual
12 may not receive aid under this subdivision unless the individual meets at least one
13 of the following conditions:

14 a. The individual has been employed in unsubsidized employment for 3
15 consecutive months and continues to be so employed.

16 b. The individual is a participant in a Wisconsin works employment position.

17 **SECTION 1253.** 49.155 (1m) (b) 3. of the statutes is repealed.

18 **SECTION 1254.** 49.155 (1m) (c) 1. of the statutes is renumbered 49.155 (1m) (c)
19 1. (intro.) and amended to read:

20 49.155 (**1m**) (c) 1. (intro.) The gross income of the individual's family is at or
21 below ~~165%~~ 185% of the poverty line for a family the size of the individual's family
22 or, for an individual who is already receiving a child care subsidy under this section,
23 the gross income of the individual's family is at or below 200% of the poverty line for
24 a family the size of the individual's family. In calculating the gross income of the
25 family, the Wisconsin works agency shall include income described under s. 49.145

SENATE BILL 45**SECTION 1254**

1 (3) (b) 1. ~~to and 3.~~, except that, in calculating farm and self-employment income, the
2 Wisconsin works agency shall include the sum of the following:

3 **SECTION 1255.** 49.155 (1m) (c) 1. a. of the statutes is created to read:

4 49.155 (1m) (c) 1. a. Net earnings reported to the Internal Revenue Service.

5 **SECTION 1256.** 49.155 (1m) (c) 1. b. of the statutes is created to read:

6 49.155 (1m) (c) 1. b. Depreciation expenses, personal business and
7 entertainment expenses, personal transportation costs, purchases of capital
8 equipment and payments on the principal of loans.

9 **SECTION 1257.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

10 49.155 (1m) (c) 1g. The individual is a foster parent of the child and the child's
11 biological or adoptive family ~~meets the asset limit under s. 49.145 (3) (a) and~~ has a
12 gross income that is at or below 200% of the poverty line. In calculating the gross
13 income of the child's biological or adoptive family, the Wisconsin works agency shall
14 include income described under s. 49.145 (3) (b) 1. ~~to~~ and 3.

15 **SECTION 1258.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

16 49.155 (1m) (c) 1h. The individual is a relative of the child, is providing care
17 for the child under a court order and is receiving payments under s. 48.57 (3m) on
18 behalf of the child and the child's biological or adoptive family ~~meets the asset limit~~
19 ~~under s. 49.145 (3) (a) and~~ has a gross income that is at or below 200% of the poverty
20 line. In calculating the gross income of the child's biological or adoptive family, the
21 Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. ~~to~~
22 and 3.

23 **SECTION 1259.** 49.155 (1m) (c) 3. of the statutes is amended to read:

24 49.155 (1m) (c) 3. The individual was eligible for a child care subsidy under s.
25 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care subsidy

SENATE BILL 45**SECTION 1259**

1 on or after May 10, 1996, but lost the subsidy solely because of increased income, and
2 the gross income of the individual's family is at or below 200% of the poverty line for
3 a family the size of the individual's family. This subdivision does not apply to an
4 individual whose family's gross income increased to more than 200% of the poverty
5 line for a family the size of the individual's family.

6 **SECTION 1260.** 49.155 (3) (title) of the statutes is amended to read:

7 49.155 (3) (title) COUNTY CHILD CARE ADMINISTRATION.

8 **SECTION 1261.** 49.155 (3) (a) of the statutes is repealed and recreated to read:

9 49.155 (3) (a) Except as provided in par. (am), the department may require a
10 Wisconsin works agency, a tribal governing body or a county department to
11 administer child care assistance under this section. If the department requires a
12 county department to administer child care assistance under this section, the
13 Wisconsin works agency shall refer an individual who has been determined eligible
14 under sub. (1m) to the county department for child care assistance.

15 **SECTION 1262.** 49.155 (3) (am) of the statutes is created to read:

16 49.155 (3) (am) In a county with a population of 500,000 or more, the
17 department shall require a Wisconsin works agency in that county to administer
18 child care assistance under this section.

19 **SECTION 1263.** 49.155 (3) (b) (intro.) of the statutes is amended to read:

20 49.155 (3) (b) (intro.) ~~The county department under s. 46.215, 46.22 or 46.23~~
21 ~~shall administer child care assistance under this section. In administering child care~~
22 ~~assistance under this section, the county department under s. 46.215, 46.22 or 46.23~~
23 administering agency shall do all of the following:

24 **SECTION 1264.** 49.155 (3m) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 1264**

1 49.155 (3m) (a) The department shall reimburse child care providers or shall
2 distribute funds to ~~county departments under s. 46.215, 46.22 or 46.23~~
3 administering agencies for child care services provided under this section and to
4 private nonprofit agencies that provide child care for children of migrant workers.

5 **SECTION 1265.** 49.155 (3m) (b) of the statutes is renumbered 49.155 (3m) (b)
6 (intro.) and amended to read:

7 49.155 (3m) (b) ~~Not more than 5%, or \$20,000, whichever is greater, of~~ Of the
8 funds distributed under par. (a) not more than the greatest of the following may be
9 used for the costs of administering the program under this section.:

10 **SECTION 1266.** 49.155 (3m) (b) 1. of the statutes is created to read:

11 49.155 (3m) (b) 1. Five percent of the funds distributed under par. (a) in the
12 current year.

13 **SECTION 1267.** 49.155 (3m) (b) 2. of the statutes is created to read:

14 49.155 (3m) (b) 2. Five percent of the funds distributed under par. (a) in the
15 immediately preceding year.

16 **SECTION 1268.** 49.155 (3m) (b) 3. of the statutes is created to read:

17 49.155 (3m) (b) 3. Twenty thousand dollars.

18 **SECTION 1269.** 49.155 (3m) (c) of the statutes is amended to read:

19 49.155 (3m) (c) From the funds distributed under par. (a), ~~a county an~~
20 administering agency may provide child care services itself, purchase child care
21 services from a child care provider, provide vouchers to an eligible parent for the
22 payment of child care services provided by a child care provider, reimburse an eligible
23 parent for payments made by the parent to a child care provider for child care
24 services, adopt, with the approval of the department, any other arrangement that the

SENATE BILL 45**SECTION 1269**

1 county considers appropriate or use any combination of these methods to provide
2 child care.

3 **SECTION 1270.** 49.155 (3m) (d) of the statutes is amended to read:

4 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide care
5 for a child by a person who resides with the child, unless the ~~county~~ administering
6 agency determines that the care is necessary because of a special health condition
7 of the child.

8 **SECTION 1271.** 49.155 (6) (a) of the statutes is amended to read:

9 49.155 (6) (a) Subject to review and approval by the department, each ~~county~~
10 administering agency or local agency, as defined in s. 49.134 (1) (b), whichever the
11 department selects, shall establish the maximum reimbursement rate for licensed
12 child care services provided under this section. ~~A county~~ An administering agency
13 or local agency shall set the rate so that at least 75% of the number of places for
14 children within the licensed capacity of all child care providers in that county can be
15 purchased at or below that maximum rate.

16 **SECTION 1272.** 49.155 (6) (b) of the statutes is amended to read:

17 49.155 (6) (b) Subject to review and approval by the department, each ~~county~~
18 administering agency shall set a maximum reimbursement rate for Level I certified
19 family day care providers for services provided to eligible individuals under this
20 section. The maximum rate set under this paragraph may not exceed 75% of the rate
21 established under par. (a).

22 **SECTION 1273.** 49.155 (6) (c) of the statutes is amended to read:

23 49.155 (6) (c) Subject to review and approval by the department, each ~~county~~
24 administering agency shall set a maximum reimbursement rate for Level II certified
25 family day care providers for services provided to eligible individuals under this

SENATE BILL 45**SECTION 1273**

1 section. The maximum rate set under this paragraph may not exceed 50% of the rate
2 established under par. (a).

3 **SECTION 1274.** 49.155 (7) (a) of the statutes is renumbered 49.155 (7), and
4 49.155 (7) (intro.), (a) and (b), as renumbered, are amended to read:

5 49.155 (7) REFUSAL TO PAY CHILD CARE PROVIDERS. (intro.) The department or
6 ~~the county department under s. 46.215, 46.22 or 46.23~~ administering agency may
7 refuse to pay a child care provider for child care provided under this section if any
8 of the following applies to the child care provider, employe or person living on the
9 premises where child care is provided:

10 (a) The person has been convicted of a felony or misdemeanor that the
11 department or ~~county department~~ administering agency determines substantially
12 relates to the care of children.

13 (b) The person is the subject of a pending criminal charge that the department
14 or ~~county department~~ administering agency determines substantially relates to the
15 care of children.

16 **SECTION 1275.** 49.161 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
17 is amended to read:

18 49.161 (1) TRIAL JOBS AND WAGE-PAYING COMMUNITY SERVICE JOBS OVERPAYMENTS.
19 Notwithstanding s. 49.96, the department shall recover an overpayment of benefits
20 paid under s. 49.148 (1) (a) ~~and~~ or (b) 2. ~~or 49.19~~ from an individual who receives ~~or~~
21 ~~has received~~ benefits paid under s. 49.148 (1) (a) or (b) 2. The value of the benefit
22 liable for recovery under this subsection may not exceed the amount that the
23 department paid in wage subsidies with respect to that participant while the
24 participant was ineligible to participate. The department shall promulgate rules
25 establishing policies and procedures for administrating this subsection.

SENATE BILL 45**SECTION 1276**

1 **SECTION 1276.** 49.161 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 **49.161 (2) GRANT-PAYING COMMUNITY SERVICE JOBS AND TRANSITIONAL PLACEMENTS**
4 **OVERPAYMENTS.** Except as provided in sub. (3), the department shall recover an
5 overpayment of benefits paid under s. 49.148 (1) (b) 1. ~~and or (c) or 49.19~~ from an
6 individual who continues to receive benefits under s. 49.148 (1) (b) 1. and (c) by
7 reducing the amount of the individual's benefit payment by no more than 10%.

8 **SECTION 1277.** 49.167 of the statutes is created to read:

9 **49.167 Alcohol and other drug abuse treatment grant program. (1)** The
10 department shall award grants to counties, tribal governing bodies and private
11 entities to provide community-based alcohol and other drug abuse treatment
12 programs that are targeted at individuals who are eligible for temporary assistance
13 for needy families under 42 USC 601 et seq. and that do all of the following:

14 (a) Meet the special needs of low-income persons with problems resulting from
15 alcohol or other drug abuse.

16 (b) Emphasize parent education, vocational and housing assistance and
17 coordination with other community programs and with treatment under intensive
18 care.

19 **(2)** The department shall do all of the following with respect to the grants under
20 par. (a):

21 (a) Award the grants in accordance with the department's
22 request-for-proposal procedures.

23 (b) Ensure that the grants are distributed in both urban and rural
24 communities.

SENATE BILL 45**SECTION 1277**

1 (c) Evaluate the programs under the grants by use of client–outcome
2 measurements that the department develops.

3 (3) The department shall coordinate the grant program under this section with
4 any similar grant program administered by the department of health and family
5 services.

6 **SECTION 1278.** 49.175 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
7 Act 27, section 1857pm, is amended to read:

8 49.175 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within
9 the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em),
10 (~~jjg~~), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate
11 the following amounts for the following purposes:

12 **SECTION 1279.** 49.175 (1) (a) of the statutes is repealed.

13 **SECTION 1280.** 49.175 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin
14 Acts 27 and 252, is repealed.

15 **SECTION 1281.** 49.175 (1) (b) 2. of the statutes is renumbered 49.175 (1) (qm)
16 2.

17 **SECTION 1282.** 49.175 (1) (bc) of the statutes is created to read:

18 49.175 (1) (bc) *Wisconsin works benefits.* For Wisconsin works benefits
19 provided under contracts entered into after December 31, 1999, \$42,792, 500 in fiscal
20 year 1999–2000 and \$85,584,900 in fiscal year 2000–01.

21 **SECTION 1283.** 49.175 (1) (bd) of the statutes is created to read:

22 49.175 (1) (bd) *Wisconsin works administration, services and agency bonuses.*
23 For administration of Wisconsin works, program services under Wisconsin works
24 and performance bonuses to Wisconsin works agencies that have entered into

SENATE BILL 45**SECTION 1283**

1 contracts after December 31, 1999, \$71,707,500 in fiscal year 1999-2000 and
2 \$143,415,100 in fiscal year 2000-01.

3 **SECTION 1284.** 49.175 (1) (bg) of the statutes is repealed.

4 **SECTION 1285.** 49.175 (1) (bm) of the statutes is repealed.

5 **SECTION 1286.** 49.175 (1) (c) of the statutes is amended to read:

6 49.175 (1) (c) *Wisconsin works agency contingency fund.* For contingency
7 payments to Wisconsin works agencies for ~~subsidized employment and office~~
8 program costs to be distributed under criteria established by the department,
9 \$25,000,000 \$90,000,000 in the ~~1997-99~~ 1999-2001 fiscal biennium.

10 **SECTION 1287.** 49.175 (1) (cr) of the statutes is repealed.

11 **SECTION 1288.** 49.175 (1) (d) of the statutes is repealed.

12 **SECTION 1289.** 49.175 (1) (e) of the statutes is repealed.

13 **SECTION 1290.** 49.175 (1) (f) of the statutes is amended to read:

14 49.175 (1) (f) *State administration of public assistance programs.* For state
15 administration of public assistance programs, ~~\$37,449,500~~ \$31,905,800 in fiscal year
16 ~~1997-98~~ 1999-2000 and ~~\$34,338,100~~ \$31,880,800 in fiscal year ~~1998-99~~ 2000-01.

17 **SECTION 1291.** 49.175 (1) (fs) of the statutes is amended to read:

18 49.175 (1) (fs) *Food stamps for legal immigrants.* For food stamp benefits
19 provided under ~~s. 49.124 (8)~~ to qualified aliens, ~~as defined in 8 USC1641 (b),~~
20 ~~\$4,600,000~~ under s. 49.124 (8), \$420,000 in each fiscal year ~~1998-99.~~
21 Notwithstanding sub. (2), the department may not use any funds allocated under
22 this paragraph for any other purpose under this subsection. ~~This paragraph does not~~
23 ~~apply to the extent that federally funded food stamp benefits for qualified aliens are~~
24 ~~restored by the federal government.~~

25 **SECTION 1292.** 49.175 (1) (hd) of the statutes is created to read:

SENATE BILL 45**SECTION 1292**

1 49.175 (1) (hd) For the individual development accounts program under s.
2 49.187, \$650,000 in each fiscal year.

3 **SECTION 1293.** 49.175 (1) (i) of the statutes is repealed.

4 **SECTION 1294.** 49.175 (1) (j) of the statutes is repealed.

5 **SECTION 1295.** 49.175 (1) (L) of the statutes is repealed.

6 **SECTION 1296.** 49.175 (1) (m) of the statutes is amended to read:

7 49.175 (1) (m) *Job access loans.* For job access loans under s. 49.147 (6),
8 \$3,645,600 ~~\$600,000~~ in each fiscal year 1997-98 and \$866,900 in fiscal year 1998-99.

9 **SECTION 1297.** 49.175 (1) (n) of the statutes is amended to read:

10 49.175 (1) (n) *Employment skills advancement grants.* For employment skills
11 advancement grants under s. 49.185, \$833,300 ~~\$100,000~~ in each fiscal year 1997-98
12 and \$1,000,000 in fiscal year 1998-99.

13 **SECTION 1298.** 49.175 (1) (o) of the statutes is amended to read:

14 49.175 (1) (o) *Direct child care services.* For direct child care services under s.
15 ~~ss.~~ 49.155, ~~\$155,547,200~~ and ~~115.3615,~~ ~~\$164,450,900~~ in fiscal year 1997-98
16 ~~1999-2000~~ and ~~\$177,427,200~~ ~~\$171,225,000~~ in fiscal year ~~1998-99~~ ~~2000-01~~.

17 **SECTION 1299.** 49.175 (1) (p) of the statutes is amended to read:

18 49.175 (1) (p) *Indirect child care services.* For indirect child care services under
19 s. ~~49.131~~ (2) (b), ~~\$6,002,400~~ ~~49.155~~ (1g), ~~\$18,978,700~~ in each fiscal year.
20 Notwithstanding sub. (2), the department may not use any funds allocated under
21 this paragraph for any other purpose under this subsection ~~1999-2000~~ and
22 ~~\$16,834,000~~ in fiscal year ~~2000-01~~.

23 **SECTION 1300.** 49.175 (1) (pm) of the statutes is created to read:

24 49.175 (1) (pm) *Early childhood excellence initiative.* For grants under s.
25 49.1375, \$10,000,000 in each fiscal year.

SENATE BILL 45**SECTION 1301**

1 **SECTION 1301.** 49.175 (1) (q) of the statutes is repealed.

2 **SECTION 1302.** 49.175 (1) (qm) of the statutes is created to read:

3 49.175 (1) (qm) *Initial contracts.* 1. Except as provided in subd. 2., for contracts
4 under s. 49.143 entered into or renewed prior to December 31, 1999, \$32,844,700 in
5 fiscal year 1999-2000.

6 **SECTION 1303.** 49.175 (1) (qm) 1. of the statutes, as created by 1999 Wisconsin
7 Act (this act), is renumbered 49.175 (1) (qm) and amended to read:

8 49.175 (1) (qm) ~~Except as provided in subd. 2., for~~ For contracts under s. 49.143
9 entered into or renewed prior to December 31, 1999, \$32,844,700 in fiscal year
10 1999-2000.

11 **SECTION 1304.** 49.175 (1) (qm) 2. of the statutes, as affected by 1999 Wisconsin
12 Act (this act), is repealed.

13 **SECTION 1305.** 49.175 (1) (qt) of the statutes is created to read:

14 49.175 (1) (qt) *Start-up funding.* For start-up funding for contracts under s.
15 49.143 entered into after December 31, 1999, \$7,184,400 in fiscal year 1999-2000.

16 **SECTION 1306.** 49.175 (1) (r) of the statutes is amended to read:

17 49.175 (1) (r) *Wisconsin works contracts in certain counties.* For contracts with
18 persons for oversight of the administrative structure of Wisconsin works, and of
19 Wisconsin works agencies, in counties having a population of 500,000 or more,
20 \$1,500,000 in fiscal year 1999-2000 and \$1,000,000 in each fiscal year fiscal year
21 2000-01.

22 **SECTION 1307.** 49.175 (1) (s) of the statutes is repealed.

23 **SECTION 1308.** 49.175 (1) (sg) of the statutes is created to read:

24 49.175 (1) (sg) *Workforce attachment.* For postemployment services that
25 promote job retention and advancement and improve the basic skills and literacy of

SENATE BILL 45**SECTION 1308**

1 former Wisconsin works participants and of individuals who have not participated
2 in Wisconsin works but who are eligible for temporary assistance for needy families
3 under 42 USC 601 et seq., \$10,000,000 in fiscal year 1999–2000 and \$20,000,000 in
4 fiscal year 2000–01.

5 **SECTION 1309.** 49.175 (1) (t) of the statutes is amended to read:

6 49.175 (1) (t) *Transportation assistance.* For transportation assistance under
7 s. 49.157, \$1,000,000 \$200,000 in fiscal year ~~1997–98~~ 1999–2000 and \$2,000,000 in
8 fiscal year ~~1998–99~~. ~~The department may not distribute the funds under this~~
9 ~~paragraph unless the joint committee on finance supplements the appropriate~~
10 ~~appropriation from the appropriation under s. 20.865 (4) (m) 2000–01.~~

11 **SECTION 1310.** 49.175 (1) (u) of the statutes is amended to read:

12 49.175 (1) (u) *Hospital paternity incentives.* For hospital paternity incentive
13 payments under s. 69.14 (1) (cm), \$54,000 \$91,900 in each fiscal year ~~1997–98~~ and
14 ~~\$144,000 in fiscal year 1998–99.~~

15 **SECTION 1311.** 49.175 (1) (v) of the statutes is amended to read:

16 49.175 (1) (v) *Passports for youth program.* For the passports for youth
17 program operated by the YMCA of Metropolitan Milwaukee, \$500,000 \$300,000 in
18 each fiscal year 1999–2000. The department may not distribute funds under this
19 paragraph if the passports for youth program does not comply with P.L. 104–193,
20 section 103.

21 **SECTION 1312.** 49.175 (1) (ve) of the statutes is created to read:

22 49.175 (1) (ve) *Literacy initiative.* For literacy programs targeted at
23 individuals who are eligible for temporary assistance to needy families under 42 USC
24 601 et seq., \$2,150,000 in each fiscal year.

25 **SECTION 1313.** 49.175 (1) (vL) of the statutes is created to read:

SENATE BILL 45**SECTION 1313**

1 49.175 (1) (vL) *Community youth grant*. For a competitive grant program
2 administered by the department to fund programs that improve social, academic and
3 employment skills of youth who are eligible to receive temporary assistance for needy
4 families under 42 USC 601 et seq., \$5,000,000 in fiscal year 1999-2000 and
5 \$15,000,000 in fiscal year 2000-01.

6 **SECTION 1314.** 49.175 (1) (vm) of the statutes is created to read:

7 49.175 (1) (vm) *Work-based learning programs for youth*. For work-based
8 learning programs for youth funded from the appropriation under s. 20.445 (7) (kc),
9 \$2,981,800 in fiscal year 1999-2000 and \$6,084,500 in fiscal year 2000-01.

10 **SECTION 1315.** 49.175 (1) (vr) of the statutes is created to read:

11 49.175 (1) (vr) *Youth workforce mentoring*. For administrative support for a
12 youth workforce mentoring program under which retirees are matched with youth,
13 \$55,000 in each fiscal year.

14 **SECTION 1316.** 49.175 (1) (vt) of the statutes is created to read:

15 49.175 (1) (vt) *Fatherhood initiative*. For a grant program to promote fathers'
16 involvement in their children's lives, \$75,000 in fiscal year 1999-2000.

17 **SECTION 1317.** 49.175 (1) (vv) of the statutes is created to read:

18 49.175 (1) (vv) *Alcohol and other drug abuse* . For grants made under s. 49.167
19 to organizations that provide community-based alcohol and other drug abuse
20 treatment to individuals who are eligible for temporary assistance for needy families
21 under 42 USC 601 et. seq., \$1,000,000 in each fiscal year.

22 **SECTION 1318.** 49.175 (1) (w) (title) of the statutes is amended to read:

23 49.175 (1) (w) (title) *Transfer of federal funds to Programs administered by the*
24 *department of health and family services*.

25 **SECTION 1319.** 49.175 (1) (w) (intro.) of the statutes is repealed.

SENATE BILL 45**SECTION 1320**

1 **SECTION 1320.** 49.175 (1) (w) 1. of the statutes is amended to read:

2 49.175 (1) (w) 1. ‘Kinship care and long-term kinship care assistance.’ For the
3 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n) and (3p),
4 \$15,720,400 \$26,322,200 in fiscal year ~~1997-98~~ 1999-2000 and ~~\$22,116,400~~
5 \$26,618,500 in fiscal year ~~1998-99~~ 2000-01.

6 **SECTION 1321.** 49.175 (1) (w) 2. of the statutes is amended to read:

7 49.175 (1) (w) 2. ‘Children of recipients of supplemental security income.’ For
8 payments made under s. 49.775 for the support of the dependent children of
9 recipients of supplemental security income, ~~\$5,550,200~~ \$9,173,200 in fiscal year
10 ~~1997-98~~ 1999-2000 and ~~\$13,260,000~~ \$11,066,900 in fiscal year ~~1998-99~~ 2000-01.

11 **SECTION 1322.** 49.175 (1) (w) 3. of the statutes is amended to read:

12 49.175 (1) (w) 3. ‘Community aids.’ For community aids, \$31,800,000 in each
13 fiscal year ~~1999-2000~~ and \$18,092,300 in fiscal year 2000-01.

14 **SECTION 1323.** 49.175 (1) (w) 4. of the statutes is repealed.

15 **SECTION 1324.** 49.175 (1) (w) 5. of the statutes is created to read:

16 49.175 (1) (w) 5. ‘Badger care.’ For eligibility determinations under the badger
17 care program under s. 49.665, \$4,500,000 in each fiscal year.

18 **SECTION 1325.** 49.175 (1) (w) 6. of the statutes is created to read:

19 49.175 (1) (w) 6. ‘Early identification of pregnancy.’ For outreach and services
20 under s. 253.085 to low-income pregnant women, \$100,000 in each fiscal year.

21 **SECTION 1326.** 49.175 (1) (w) 7. of the statutes is created to read:

22 49.175 (1) (w) 7. ‘Supplemental food program for women, infants and children.’
23 From the appropriation under s. 20.445 (3) (md), for per capita nutritional services
24 and administration funding to local agencies that administer the federal special
25 supplemental food program for women, infants and children under 42 USC 1786 and

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1 the state supplemental food program for women, infants and children under s.
2 253.06, \$500,000 in each fiscal year.

3 **SECTION 1327.** 49.175 (1) (w) 8. of the statutes is created to read:

4 49.175 (1) (w) 8. 'Adolescent services and pregnancy prevention programs.' For
5 adolescent services and pregnancy prevention programs, \$1,806,400 in each fiscal
6 year.

7 **SECTION 1328.** 49.175 (1) (x) of the statutes is created to read:

8 49.175 (1) (x) *Brownfields*. For grants under s. 560.13 (2) (am), \$5,000,000 in
9 each fiscal year.

10 **SECTION 1329.** 49.175 (1) (y) of the statutes is created to read:

11 49.175 (1) (y) *Badger Challenge program*. For the Badger Challenge program
12 under s. 21.25, \$332,700 in each fiscal year.

13 **SECTION 1330.** 49.175 (1) (z) of the statutes is created to read:

14 49.175 (1) (z) *Aid to Milwaukee Public Schools*. For aid to the school district
15 operating under ch. 119 under ss. 119.71, 119.72, 119.75 and 119.82, \$7,570,000 in
16 each fiscal year.

17 **SECTION 1331.** 49.185 (3) (d) of the statutes is amended to read:

18 49.185 (3) (d) The individual has been employed in an unsubsidized job for at
19 least 9 6 consecutive months before applying for a grant.

20 **SECTION 1332.** 49.185 (3) (i) of the statutes is amended to read:

21 49.185 (3) (i) The individual contributes, or obtains from other sources, an
22 amount at least equal to the amount of the grant, ~~and obtains funding from other~~
23 ~~sources in an amount at least equal to the amount of the grant~~, for tuition, books,
24 transportation or other direct costs of the training or education.

25 **SECTION 1333.** 49.185 (5) of the statutes is amended to read:

SENATE BILL 45**SECTION 1333**

1 49.185 (5) APPLICABILITY. This section applies beginning on the date stated in
2 the notice under s. 49.141 (2) (d), or on November 1, 1997, whichever is later.

3 **SECTION 1334.** 49.187 of the statutes is created to read:

4 **49.187 Individual development accounts. (1) ADMINISTRATION.** The
5 department may establish a program to permit individuals who are eligible under
6 sub. (2) to establish individual development accounts. If the department establishes
7 the program under this section, the program shall be administered in accordance
8 with P.L. 105-285. The department may contract with community action agencies
9 under s. 46.30 to administer the program under this section.

10 **(2) ELIGIBILITY.** An individual is eligible to establish an individual development
11 account if the all of the following criteria with respect to the individual are met:

12 (a) The individual is at least 18 years old.

13 (b) The individual is a custodial parent, as defined in s. 49.141 (1) (b).

14 (c) The individual meets the eligibility requirements under P.L. 105-285,
15 section 408 (a). In determining the net worth of an individual's household, as
16 required under P.L. 105-285, section 408 (a) (2), the community action agency or the
17 department shall exclude the equity value of vehicles up to a total equity value of
18 \$10,000 and one home that serves as the homestead of the individual's household.

19 **(3) FUNDING FOR AND USE OF AN INDIVIDUAL DEVELOPMENT ACCOUNT.** (a) An
20 individual who establishes an individual development account under this section
21 may deposit into the account only earned income, as defined in section 911 (d) (2) of
22 the Internal Revenue Code of 1986. For every \$1 that the individual deposits in the
23 account, the community action agency with which the department contracts under
24 sub. (1), or, if the department does not enter into a contract under sub. (1), the
25 department, shall deposit not less than 50 cents nor more than \$4 into the account.

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1 Moneys deposited in an individual development account may be withdrawn only for
2 emergencies as provided under P.L. 105-285, section 404 (3) or for qualified expenses
3 specified under P.L. 105-285, section 404 (8).

4 (b) An individual who establishes an individual development account under
5 this section shall participate in financial planning and economic education programs
6 offered by the community action agency or by the department.

7 **SECTION 1335.** 49.19 (11s) (a) of the statutes is amended to read:

8 49.19 (11s) (a) The department shall conduct a demonstration project under
9 this subsection pursuant to a waiver from the secretary of the federal department of
10 health and human services beginning on January 1, 1996. To the extent permitted
11 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under
12 this section or to a test group of recipients of aid under this section determined by
13 the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.
14 49.25, 1997 stats., and shall apply only while a waiver under this paragraph is in
15 effect and only with respect to recipients covered by the waiver.

16 **SECTION 1336.** 49.19 (20) (a) of the statutes is amended to read:

17 49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of
18 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
19 1997 stats., whichever is sooner, no person is eligible to receive benefits under this
20 section and no aid may be granted under this section. No additional notice, other
21 than the enactment of this paragraph, is required to be given under sub. (13) to
22 recipients of aid under this section to terminate their benefits under this paragraph.

23 **SECTION 1337.** 49.191 of the statutes is repealed.

24 **SECTION 1338.** 49.193 of the statutes is repealed.

25 **SECTION 1339.** 49.195 (1) of the statutes is amended to read:

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1 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
2 under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,
3 inheritance, sale of assets, court judgment or settlement of any damage claim, or by
4 winning a lottery or prize, the county granting such aid, or the Wisconsin works
5 agency granting such a benefit, may sue the parent on behalf of the department to
6 recover the value of that portion of the aid or of the benefit which does not exceed the
7 amount of the property so acquired. The value of the aid or benefit liable for recovery
8 under this section may not include the value of work performed by a member of the
9 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
10 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
11 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
12 the 10-year statute of limitations may be pleaded in defense against any suit for
13 recovery under this section; and if such property is his or her homestead it shall be
14 exempt from execution on the judgment of recovery until his or her death or sale of
15 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
16 limitations, where the aid or benefit recipient is deceased a claim may be filed against
17 any property in his or her estate and the statute of limitations specified in s. 859.02
18 shall be exclusively applicable. The court may refuse to render judgment or allow
19 the claim in any case where a parent, spouse or child is dependent on the property
20 for support, and the court in rendering judgment shall take into account the current
21 family budget requirement as fixed by the U.S. department of labor for the
22 community or as fixed by the authorities of the community in charge of public
23 assistance. The records of aid or benefits paid kept by the county, by the department
24 or by the Wisconsin works agency are prima facie evidence of the value of the aid or
25 benefits furnished. Liability under this section shall extend to any parent or

SENATE BILL 45**SECTION 1339**

1 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,
2 49.155 or 49.157 during the period that he or she is a member of the same household,
3 but his or her liability is limited to such period. This section does not apply to medical
4 and health assistance payments for which recovery is prohibited or restricted by
5 federal law or regulation.

6 **SECTION 1340.** 49.195 (3) of the statutes is amended to read:

7 49.195 (3) A county, tribal governing body, Wisconsin works agency or the
8 department shall determine whether an overpayment has been made under s. 49.19,
9 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal
10 governing body, Wisconsin works agency or department shall provide notice of the
11 overpayment to the liable person and shall give that person an opportunity for a
12 review following the procedure specified under s. 49.152, or for a hearing under ch.
13 227. Notwithstanding s. 49.96, the department shall promptly recover all
14 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already
15 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing
16 policies and procedures to administer this subsection.

17 **SECTION 1341.** 49.195 (3m) of the statutes is created to read:

18 49.195 (3m) (a) 1. If any person fails to pay to the department any amount
19 determined under sub. (3), no review or appeal of that determination is pending and
20 the time for requesting a review or taking an appeal has expired, the department
21 may issue a warrant directed to the clerk of circuit court of any county.

22 2. The clerk of circuit court shall enter in the judgment and lien docket the
23 name of the person mentioned in the warrant, the amount for which the warrant is
24 issued and the date on which the clerk entered that information.

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1 3. A warrant entered under subd. 2. shall be considered in all respects as a final
2 judgment constituting a perfected lien upon the person's right, title and interest in
3 all real and personal property located in the county in which the warrant is entered.

4 4. After issuing a warrant, the department may file an execution with the clerk
5 of circuit court for filing with the sheriff of the county, commanding the sheriff to levy
6 upon and sell sufficient real and personal property of the person to pay the amount
7 stated in the warrant in the same manner as upon an execution against property
8 issued upon the judgment of a court of record, and to return the warrant to the
9 department and pay to it the money collected by virtue of the warrant within 60 days
10 after receipt of the warrant. The execution may not command the sheriff to levy upon
11 or sell any property that is exempt from execution under ss. 815.18 (3) and 815.20.

12 (b) The clerk of circuit court shall accept, file and enter the warrant in the
13 judgment and lien docket without prepayment of any fee, but the clerk of circuit court
14 shall submit a statement of the proper fee semiannually to the department covering
15 the periods from January 1 to June 30 and July 1 to December 31 unless a different
16 billing period is agreed to between the clerk of circuit court and the department. The
17 department shall pay the fees, but shall add the fees provided by s. 814.61 (5) for
18 entering the warrants to the amount of the warrant and shall collect the fees from
19 the person named in the warrant when satisfaction or release is presented for entry.

20 (c) If a warrant that is not satisfied in full is returned, the department may
21 enforce the amount due as if the department had recovered judgment against the
22 person named in the warrant for the same amount.

23 (d) When the amount set forth in a warrant and all costs due the department
24 have been paid to it, the department shall issue a satisfaction of the warrant and file
25 it with the clerk of circuit court. The clerk of circuit court shall immediately enter

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1 a satisfaction of the judgment on the judgment and lien docket. The department
2 shall send a copy of the satisfaction to the person named in the warrant.

3 (e) If the department finds that the interests of the state will not be jeopardized,
4 the department may issue a release of any warrant with respect to any real or
5 personal property upon which the warrant is a lien or cloud upon title. Upon
6 presentation to the clerk and payment of the fee for filing the release, the clerk shall
7 enter the release of record. The release is conclusive that the lien or cloud upon the
8 title of the property covered by the release is extinguished.

9 (f) Notwithstanding s. 49.96, at any time after the filing of a warrant, the
10 department may commence and maintain a garnishee action as provided by ch. 812
11 or may use the remedy of attachment as provided by ch. 811 for actions to enforce a
12 judgment. The place of trial of such an action may be either in Dane County or the
13 county where the debtor resides and may not be changed from the county in which
14 that action is commenced, except upon consent of the parties.

15 (g) If the department issues an erroneous warrant, the department shall issue
16 a notice of withdrawal of the warrant to the clerk of circuit court for the county in
17 which the warrant is filed. The clerk shall void the warrant and any resulting liens.

18 **SECTION 1342.** 49.195 (3n) of the statutes is created to read:

19 49.195 (3n) (a) In this subsection:

20 1. "Debt" means the amount of liability determined under sub. (3).

21 2. "Debtor" means an individual who is liable under sub. (3).

22 3. "Disposable earnings" means that part of the earnings of any debtor after the
23 deduction from those earnings of any amounts required by law to be withheld, any
24 life, health, dental or similar type of insurance premiums, union dues, any amount
25 necessary to comply with a court order to contribute to the support of minor children,

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1 and any levy, wage assignment or garnishment executed prior to the date of a levy
2 under this subsection.

3 4. “Federal minimum hourly wage” means that wage prescribed by 29 USC 206
4 (a) (1).

5 5. “Levy” means all powers of distraint and seizure.

6 6. “Property” includes all tangible and intangible personal property and rights
7 to such property, including compensation paid or payable for personal services,
8 whether denominated as wages, salary, commission, bonus or otherwise, periodic
9 payments received pursuant to a pension or retirement program, rents, proceeds of
10 insurance and contract payments.

11 (b) If any debtor neglects or refuses to pay a debt after the department has made
12 demand for payment, the department may collect that debt and the expenses of the
13 levy by levy upon any property belonging to the debtor. Whenever the value of any
14 property that has been levied upon under this section is not sufficient to satisfy the
15 claim of the department, the department may levy upon any additional property of
16 the person until the debt and expenses of the levy are fully paid.

17 (c) Any person in possession of or obligated with respect to property or rights
18 to property that is subject to levy and upon which a levy has been made shall, upon
19 demand of the department, surrender the property or rights or discharge the
20 obligation to the department, except that part of the property or rights which is, at
21 the time of the demand, subject to any prior attachment or execution under any
22 judicial process.

23 (d) 1. Any debtor who fails or refuses to surrender any property or rights to
24 property that is subject to levy, upon demand by the department, is subject to
25 proceedings to enforce the amount of the levy.

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1 2. Any 3rd party who fails to surrender any property or rights to property
2 subject to levy, upon demand of the department, is subject to proceedings to enforce
3 the levy. The 3rd party is not liable to the department under this subdivision for more
4 than 25% of the debt. The department shall serve the levy as provided under par.
5 (m) on any 3rd party who fails to surrender property under this subdivision.
6 Proceedings may not be initiated by the department until 5 days after service of the
7 demand.

8 3. When a 3rd party surrenders the property or rights to the property on
9 demand of the department or discharges the obligation to the department for which
10 the levy is made, the 3rd party is discharged from any obligation or liability to the
11 debtor with respect to the property or rights to the property arising from the
12 surrender or payment to the department.

13 (e) 1. If the department has levied upon property, any person, other than the
14 debtor who is liable to pay the debt out of which the levy arose, who claims an interest
15 in or lien on that property and claims that that property was wrongfully levied upon
16 may bring a civil action against the state in the circuit court for Dane County. That
17 action may be brought whether or not that property has been surrendered to the
18 department. The court may grant only the relief under subd. 2. No other action to
19 question the validity of or restrain or enjoin a levy by the department may be
20 maintained.

21 2. In an action under subd. 1., if a levy would irreparably injure rights to
22 property, the court may enjoin the enforcement of that levy. If the court determines
23 that the property has been wrongfully levied upon, it may grant a judgment for the
24 amount of money obtained by levy.

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1 3. For purposes of an adjudication under this paragraph, the determination of
2 the debt upon which the interest or lien of the department is based is conclusively
3 presumed to be valid.

4 (f) The department shall determine its costs and expenses to be paid in all cases
5 of levy.

6 (g) 1. The department shall apply all money obtained under this subsection
7 first against the expenses of the proceedings and then against the liability in respect
8 to which the levy was made and any other liability owed to the department by the
9 debtor.

10 2. The department may refund or credit any amount left after the applications
11 under subd. 1., upon submission of a claim for that amount and satisfactory proof of
12 the claim, to the person entitled to that amount.

13 (h) The department may release the levy upon all or part of property levied
14 upon to facilitate the collection of the liability or to grant relief from a wrongful levy,
15 but that release does not prevent any later levy.

16 (j) If the department determines that property has been wrongfully levied
17 upon, the department may return the property at any time, or may return an amount
18 of money equal to the amount of money levied upon.

19 (k) Any person who removes, deposits or conceals or aids in removing,
20 depositing or concealing any property upon which a levy is authorized under this
21 subsection with intent to evade or defeat the assessment or collection of any debt may
22 be fined not more than \$5,000 or imprisoned for not more than 3 years or both, and
23 shall be liable to the state for the costs of prosecution.

24 (L) If no appeal or other proceeding for review permitted by law is pending and
25 the time for taking an appeal or petitioning for review has expired, the department

SENATE BILL 45**SECTION 1342**

1 shall make a demand to the debtor for payment of the debt which is subject to levy
2 and give notice that the department may pursue legal action for collection of the debt
3 against the debtor. The department shall make the demand for payment and give
4 the notice at least 10 days prior to the levy, personally or by any type of mail service
5 which requires a signature of acceptance, at the address of the debtor as it appears
6 on the records of the department. The demand for payment and notice shall include
7 a statement of the amount of the debt, including interest and penalties, and the name
8 of the debtor who is liable for the debt. The debtor's refusal or failure to accept or
9 receive the notice does not prevent the department from making the levy. Notice
10 prior to levy is not required for a subsequent levy on any debt of the same debtor
11 within one year of the date of service of the original levy.

12 (m) 1. The department shall serve the levy upon the debtor and 3rd party by
13 personal service or by any type of mail service which requires a signature of
14 acceptance.

15 2. Personal service shall be made upon an individual, other than a minor or
16 incapacitated person, by delivering a copy of the levy to the debtor or 3rd party
17 personally; by leaving a copy of the levy at the debtor's dwelling or usual place of
18 abode with some person of suitable age and discretion residing there; by leaving a
19 copy of the levy at the business establishment with an officer or employe of the
20 establishment; or by delivering a copy of the levy to an agent authorized by law to
21 receive service of process.

22 3. The department representative who serves the levy shall certify service of
23 process on the notice of levy form and the person served shall acknowledge receipt
24 of the certification by signing and dating it. If service is made by mail, the return
25 receipt is the certificate of service of the levy.

SENATE BILL 45**SECTION 1342**

1 4. The debtor's or 3rd party's failure to accept or receive service of the levy does
2 not invalidate the levy.

3 (n) Within 20 days after the service of the levy upon a 3rd party, the 3rd party
4 shall file an answer with the department stating whether the 3rd party is in
5 possession of or obligated with respect to property or rights to property of the debtor,
6 including a description of the property or the rights to property and the nature and
7 dollar amount of any such obligation.

8 (p) A levy is effective from the date on which the levy is first served on the 3rd
9 party until the liability out of which the levy arose is satisfied, until the levy is
10 released or until one year from the date of service, whichever occurs first.

11 (q) 1. The debtor is entitled to an exemption from levy of the greater of the
12 following:

13 a. A subsistence allowance of 75% of the debtor's disposable earnings then due
14 and owing.

15 b. An amount equal to 30 times the federal minimum hourly wage for each full
16 week of the debtor's pay period; or, in the case of earnings for a period other than a
17 week, a subsistence allowance computed so that it is equivalent to that amount using
18 a multiple of the federal minimum hourly wage prescribed by the department by
19 rule.

20 2. The first \$1,000 of an account in a depository institution is exempt from any
21 levy to recover a benefit overpayment.

22 (r) No employer may discharge or otherwise discriminate with respect to the
23 terms and conditions of employment against any employe by reason of the fact that
24 his or her earnings have been subject to levy for any one levy or because of compliance

SENATE BILL 45**SECTION 1342**

1 with any provision of this subsection. Any person who violates this paragraph may
2 be fined not more than \$1,000 or imprisoned for not more than one year or both.

3 (s) Any debtor who is subject to a levy proceeding made by the department has
4 the right to appeal the levy proceeding under ch. 227.44. The appeal is limited to
5 questions of prior payment of the debt that the department is proceeding against,
6 and mistaken identity of the debtor. The levy is not stayed pending an appeal in any
7 case where property is secured through the levy.

8 (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any case where
9 property is secured through the levy. The 3rd party shall deduct the fee from the
10 proceeds of the levy.

11 **SECTION 1343.** 49.195 (3n) (k) of the statutes, as created by 1999 Wisconsin Act
12 (this act), is amended to read:

13 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in
14 removing, depositing or concealing any property upon which a levy is authorized
15 under this subsection with intent to evade or defeat the assessment or collection of
16 any debt may be fined not more than \$5,000 or imprisoned for not more than ~~3 years~~
17 4 years and 6 months or both, and shall be liable to the state for the costs of
18 prosecution.

19 **SECTION 1344.** 49.195 (3n) (r) of the statutes, as created by 1999 Wisconsin Act
20 (this act), is amended to read:

21 49.195 (3n) (r) No employer may discharge or otherwise discriminate with
22 respect to the terms and conditions of employment against any employe by reason
23 of the fact that his or her earnings have been subject to levy for any one levy or
24 because of compliance with any provision of this subsection. Any person who violates

SENATE BILL 45**SECTION 1344**

1 this paragraph may be fined not more than \$1,000 or imprisoned for not more than
2 one year 2 years or both.

3 **SECTION 1345.** 49.195 (3p) of the statutes is created to read:

4 49.195 (3p) The availability of the remedies under subs. (3m) and (3n) does not
5 abridge the right of the department to pursue other remedies.

6 **SECTION 1346.** 49.195 (3r) of the statutes is created to read:

7 49.195 (3r) From the appropriation under s. 20.445 (3) (L) the department may
8 contract with or employ a collection agency or other person to enforce a repayment
9 obligation of a person who is found liable under sub. (3) who is delinquent in making
10 repayments.

11 **SECTION 1347.** 49.20 of the statutes is repealed.

12 **SECTION 1348.** 49.21 of the statutes is repealed.

13 **SECTION 1349.** 49.23 (1) of the statutes is amended to read:

14 49.23 (1) From the appropriation under s. 20.445 (3) ~~(eb)~~ (k), the department
15 shall award grants to counties for programs to revise child support orders. Each
16 county receiving a grant shall review child support orders awarded to persons who
17 receive benefits under s. 48.57 (3m) or (3n) or 49.148 or whose children receive
18 benefits under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m)
19 or (3n) or 49.148 and whose children do not receive benefits under s. 49.19 and shall
20 initiate actions to revise the orders based on that review. Each county receiving a
21 grant shall review child support orders awarded to persons who receive benefits
22 under s. 48.57 (3m) or (3n) or 49.148 or whose children receive benefits under s. 49.19
23 and child support orders awarded to persons who do not receive benefits under s.
24 48.57 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19
25 in proportion to the number of those 2 categories of orders in the county's child

SENATE BILL 45**SECTION 1349**

1 support case load. Before a county may initiate an action to revise a child support
2 order under this subsection for a person who does not receive benefits under s. 48.57
3 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19, the
4 custodial parent of the children must voluntarily consent to the revision.

5 **SECTION 1350.** 49.23 (2) (a) (intro.) of the statutes is amended to read:

6 49.23 (2) (a) (intro.) From the appropriation under s. 20.445 (3) ~~(cb)~~ (k), the
7 department shall provide state incentive payments, in a total amount of not less than
8 \$259,000 in each fiscal year, to counties that meet the child support collection and
9 child support administrative efficiency criteria, according to a distribution formula
10 determined by the department that does all of the following:

11 **SECTION 1351.** 49.23 (2) (a) 3. of the statutes is repealed.

12 **SECTION 1352.** 49.24 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
13 section 1882n, is amended to read:

14 49.24 (1) From the appropriation under s. 20.445 (3) (k), the department shall
15 provide child support incentive payments to counties to offset reduced federal child
16 support incentive payments. Total payments under this subsection may not exceed
17 ~~\$3,178,000~~ \$3,850,000 in fiscal year ~~1997-98~~ 1999-2000 or \$3,850,000 in fiscal year
18 ~~1998-99~~ 2000-01.

19 **SECTION 1353.** 49.25 of the statutes is repealed.

20 **SECTION 1354.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

21 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
22 to show good cause for not cooperating with case management efforts in a hearing.
23 ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~
24 ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~

SENATE BILL 45**SECTION 1354**

1 as defined in s. 49.141 (1) (s), the The hearing shall be requested and held under s.
2 49.152. The department shall determine by rule the criteria for good cause.

3 **SECTION 1355.** 49.27 of the statutes is repealed.

4 **SECTION 1356.** 49.30 (1m) (c) of the statutes is created to read:

5 49.30 (1m) (c) If a request for payment under sub. (1) is made more than 12
6 months after the death of the recipient, the county or applicable tribal governing
7 body or organization responsible for burial of the recipient is not required to make
8 a payment for cemetery, funeral or burial expenses.

9 **SECTION 1357.** 49.36 (2) of the statutes is amended to read:

10 49.36 (2) The department may contract with any county or Wisconsin works
11 agency to administer a work experience and job training program for parents who
12 are not custodial parents and who fail to pay child support or to meet their children's
13 needs for support as a result of unemployment or underemployment. The program
14 may provide the kinds of work experience and job training services available from
15 the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The program may
16 also include job search and job orientation activities. The department shall fund the
17 program from the appropriation under s. 20.445 (3) (dz).

18 **SECTION 1358.** 49.36 (3) (g) of the statutes is repealed.

19 **SECTION 1359.** 49.36 (7) of the statutes is amended to read:

20 49.36 (7) The department shall pay a county or Wisconsin works agency \$200
21 \$400 for each person who participates in the program under this section in the region
22 in which the county or Wisconsin works agency administers the program under this
23 section. The county or Wisconsin works agency shall pay any additional costs of the
24 program.

25 **SECTION 1360.** 49.37 of the statutes is repealed.

SENATE BILL 45**SECTION 1361**

1 **SECTION 1361.** 49.43 (8) of the statutes is amended to read:

2 49.43 (8) "Medical assistance" means any services or items under ss. 49.45 to
3 ~~49.47~~ 49.472, ~~except s. 49.472 (6)~~, and under ss. 49.49 to 49.497, or any payment or
4 reimbursement made for such services or items.

5 **SECTION 1362.** 49.45 (2) (a) 4. of the statutes is amended to read:

6 49.45 (2) (a) 4. To the extent funds are available under s. 20.435 ~~(1)~~ (4) (bm),
7 certify all proper charges and claims for administrative services to the department
8 of administration for payment and the department of administration shall draw its
9 warrant forthwith.

10 **SECTION 1363.** 49.45 (2) (a) 9. of the statutes is amended to read:

11 49.45 (2) (a) 9. Periodically ~~set forth~~ prescribe conditions of participation and
12 terms of reimbursement in a contract with provider of service under this section.

13 **SECTION 1364.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.

14 a. and amended to read:

15 49.45 (2) (a) 10. a. ~~After reasonable notice and opportunity for hearing, recover~~
16 Recover money improperly or erroneously paid, or overpayments to a provider ~~either~~
17 by offsetting or adjusting amounts owed the provider under the program, crediting
18 against a provider's future claims for reimbursement for other services or items
19 furnished by the provider under the program, ~~or by~~ or requiring the provider to make
20 direct payment to the department or its fiscal intermediary.

21 **SECTION 1365.** 49.45 (2) (a) 10. b. of the statutes is created to read:

22 49.45 (2) (a) 10. b. Promptly afford the provider an opportunity to present
23 information and argument regarding a recovery imposed under this subdivision, but
24 the department need not stay collection of the amount to be recovered pending that
25 opportunity.

SENATE BILL 45**SECTION 1366**

1 **SECTION 1366.** 49.45 (2) (a) 10. c. of the statutes is created to read:

2 49.45 (2) (a) 10. c. Establish a deadline for payment of a recovery imposed under
3 this subdivision and, if a provider fails to pay all of the amount to be recovered by the
4 deadline, require payment by the provider of interest on any delinquent amount at
5 the rate of 1% per month or fraction of a month from the date of the overpayment.

6 **SECTION 1367.** 49.45 (2) (a) 11. of the statutes is amended to read:

7 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
8 services under Title XIX of the social security act medical assistance and, except as
9 provided in par. (b) 6. and 7. and s. 49.48, certify such eligible providers who meet
10 the criteria.

11 **SECTION 1368.** 49.45 (2) (a) 12. of the statutes is amended to read:

12 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from
13 or restrict a provider's participation in the medical assistance program, if after
14 giving reasonable notice and opportunity for hearing, the department finds that the
15 provider has violated a federal statute or regulation or a state law statute or
16 administrative rule and ~~such violations are~~ the violation is by law statute, regulation
17 or rule grounds for decertification or ~~suspension~~ restriction. The department shall
18 suspend the provider pending the hearing under this subdivision if the department
19 includes in its decertification notice findings that the provider's continued
20 participation in the medical assistance program pending hearing is likely to lead to
21 the irretrievable loss of public funds and is unnecessary to provide adequate access
22 to services to medical assistance recipients. As soon as practicable after the hearing,
23 the department shall issue a written decision. No payment may be made under the
24 medical assistance program with respect to any service or item furnished by the
25 provider subsequent to decertification or during the period of suspension.

SENATE BILL 45**SECTION 1369**

1 **SECTION 1369.** 49.45 (2) (a) 13. of the statutes is amended to read:

2 49.45 (2) (a) 13. Impose additional sanctions for noncompliance with the
3 conditions of participation and terms of provider agreements reimbursement under
4 subd. 9. or certification criteria established under subd. 11. and, if prescribed by the
5 department, under par. (b) 6. or 7.

6 **SECTION 1370.** 49.45 (2) (a) 14. of the statutes is repealed.

7 **SECTION 1371.** 49.45 (2) (a) 17. of the statutes is amended to read:

8 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
9 organization, the joint committee on finance and appropriate standing committees,
10 as determined by the presiding officer of each house, if the appropriation under s.
11 20.435 (5) (4) (b) is insufficient to provide the state share of medical assistance.

12 **SECTION 1372.** 49.45 (2) (b) 6. of the statutes is created to read:

13 49.45 (2) (b) 6. Prescribe criteria for certification of providers of medical
14 assistance that limit the number of providers of particular services or that limit the
15 amount of resources, including employes and equipment, that a certified provider
16 may use to provide particular services to medical assistance recipients, if the
17 department finds all of the following:

18 a. That existing certified providers and resources provide services that are
19 adequate in quality and amount to meet the need of medical assistance recipients for
20 the particular services.

21 b. That the potential for medical assistance fraud or abuse exists if additional
22 providers are certified or additional resources are used by certified providers.

23 **SECTION 1373.** 49.45 (2) (b) 7. of the statutes is created to read:

24 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
25 providers of a specific service that is among those enumerated under s. 49.46 (2) (b)

SENATE BILL 45**SECTION 1373**

1 or 49.47 (6) (a), as specified in this subdivision, to file with the department a surety
2 bond issued by a surety company licensed to do business in this state. Providers
3 subject to this subdivision provide those services specified under s. 49.46 (2) (b) or
4 49.47 (6) (a) for which providers have demonstrated significant potential to violate
5 s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a) or (4m) (a),
6 to require recovery under par. (a) 10. or to need additional sanctions under par. (a)
7 13. The surety bond shall be payable to the department and in an amount that would
8 reasonably pay the amount of a recovery and the department's costs to pursue
9 recovery under par. (a) 10. or to investigate and pursue allegations of violations of
10 s. 49.489 or 49.49. The department shall promulgate rules under this subdivision
11 that specify all of the following:

12 a. Services under medical assistance for which providers have demonstrated
13 significant potential to violate s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m)
14 (a), (3p), (4) (a) or (4m) (a), to require recovery under par. (a) 10. or to need additional
15 sanctions under par. (a) 13.

16 b. The amount or amounts of the surety bonds.

17 c. Terms of the surety bond, including amounts, if any, without interest to be
18 refunded to the provider upon withdrawal or decertification from the medical
19 assistance program.

20 **SECTION 1374.** 49.45 (3) (ag) of the statutes is amended to read:

21 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
22 under s. ~~46.271 (2m)~~ 46.281 (1) (d) for assessments completed functional screens
23 performed under s. ~~46.271 (2m) (a) 2.~~ 46.281 (1) (d).

24 **SECTION 1375.** 49.45 (3) (am) 1. of the statutes is amended to read:

SENATE BILL 45**SECTION 1375**

1 49.45 (3) (am) 1. From the appropriation under s. 20.435 ~~(1)~~ (4) (bm), the
2 department shall make incentive payments to counties to encourage counties to
3 identify medical assistance applicants and recipients who have other health care
4 coverage and the providers of the health care coverage and give that information to
5 the department.

6 **SECTION 1376.** 49.45 (3) (f) 3. of the statutes is amended to read:

7 49.45 (3) (f) 3. Contractors under sub. (2) (b) shall maintain records as required
8 by the department for audit purposes. ~~Contractors~~ Upon request of the department,
9 ~~contractors~~ shall immediately provide the department access to the records ~~upon~~
10 ~~request of the department, and, which~~ the department may audit ~~the records.~~

11 **SECTION 1377.** 49.45 (3) (g) of the statutes is amended to read:

12 49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or
13 investigate and report to the department on any matter involving violations or
14 complaints alleging violations of laws statutes, regulations, or rules applicable to
15 ~~Title XIX of the federal social security act or the medical assistance program and to~~
16 perform such investigations or audits as are required to verify the actual provision
17 of services or items available under the medical assistance program and the
18 appropriateness and accuracy of claims for reimbursement submitted by providers
19 participating in the program. Department employes ~~appointed~~ authorized by the
20 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~
21 ~~which~~ while they are performing their investigatory or audit functions under this
22 section, identification, signed by the secretary ~~which, that~~ specifically designates the
23 bearer as possessing the authorization to conduct medical assistance investigations
24 or audits. ~~Pursuant to~~ Under the request of a designated person and upon
25 presentation of ~~that~~ the person's authorization, providers and medical assistance

SENATE BILL 45**SECTION 1377**

1 recipients shall immediately accord ~~such~~ the person access to any provider
2 personnel, records, books, ~~recipient medical records~~, or documents or other
3 information needed. Under the written request of a designated person and upon
4 presentation of the person's authorization, providers and recipients shall
5 immediately accord the person access to any needed patient health care records of
6 a recipient. Authorized employes ~~shall have authority to~~ may hold hearings,
7 administer oaths, take testimony and perform all other duties necessary to bring
8 ~~such~~ the matter before the department for final adjudication and determination.

9 **SECTION 1378.** 49.45 (3) (h) 1. of the statutes is repealed.

10 **SECTION 1379.** 49.45 (3) (h) 2. of the statutes is repealed.

11 **SECTION 1380.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) and
12 amended to read:

13 49.45 (3) (h) The failure or refusal of a ~~person to purge himself or herself of~~
14 ~~contempt found under s. 885.12 and perform the act as required by law shall~~
15 ~~constitute~~ provider immediately to accord department auditors under par. (f) 3. or
16 investigators under par. (g) access to any provider personnel, records, books, patient
17 health care records of medical assistance recipients or documents or other
18 information requested constitutes grounds for decertification or suspension of ~~that~~
19 ~~person~~ the provider from participation in the medical assistance program and no
20 payment may be made for services rendered by ~~that person~~ subsequent to the
21 provider following decertification or during the period of suspension.

22 **SECTION 1381.** 49.45 (3) (j) of the statutes is amended to read:

23 49.45 (3) (j) Reimbursement for administrative contract costs under this
24 section is limited to the funds available under s. 20.435 (1) (4) (bm).

SENATE BILL 45**SECTION 1382**

1 **SECTION 1382.** 49.45 (5m) (a) of the statutes is renumbered 49.45 (5m) (am) and
2 amended to read:

3 49.45 **(5m)** (am) Notwithstanding sub. (3) (e), from the appropriations under
4 s. 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$2,256,000
5 in each fiscal year, to provide supplemental funds to rural hospitals that, as
6 determined by the department, have high utilization of inpatient services by
7 patients whose care is provided from governmental sources, and to provide
8 supplemental funds to critical access hospitals, except that the department may not
9 distribute funds to a rural hospital or to a critical access hospital to the extent that
10 the distribution would exceed any limitation under 42 USC 1396b (i) (3).

11 **SECTION 1383.** 49.45 (5m) (ag) of the statutes is created to read:

12 49.45 **(5m)** (ag) In this subsection, “critical access hospital” has the meaning
13 given in s. 50.33 (1g).

14 **SECTION 1384.** 49.45 (5m) (b) of the statutes is amended to read:

15 49.45 **(5m)** (b) The supplemental funding for rural hospitals under par. ~~(a)~~ (am)
16 shall be based on the utilization, by recipients of medical assistance, of the total
17 inpatient days of a rural hospital in relation to that utilization in other rural
18 hospitals.

19 **SECTION 1385.** 49.45 (6b) (intro.) of the statutes is renumbered 49.45 (6b) and
20 amended to read:

21 49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
22 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
23 services provided by the centers for the developmentally disabled. Reimbursement
24 to the centers for the developmentally disabled shall be reduced following each
25 placement made under s. 46.275 ~~which~~ that involves a relocation from a center for

SENATE BILL 45**SECTION 1385**

1 the developmentally disabled, ~~as follows: by \$184 per day, beginning in fiscal year~~
2 1999-2000, and by \$190 per day, beginning in fiscal year 2000-01.

3 **SECTION 1386.** 49.45 (6b) (a) of the statutes is repealed.

4 **SECTION 1387.** 49.45 (6b) (b) of the statutes is repealed.

5 **SECTION 1388.** 49.45 (6b) (c) of the statutes is repealed.

6 **SECTION 1389.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

7 49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this
8 subsection made under s. 20.435 (1) ~~(p) or (5) (b)~~ (4) (b), (pa) or (o) shall, except as
9 provided in pars. (bg), (bm) and (br), be determined according to a prospective
10 payment system updated annually by the department. The payment system shall
11 implement standards that are necessary and proper for providing patient care and
12 that meet quality and safety standards established under subch. II of ch. 50 and ch.
13 150. The payment system shall reflect all of the following:

14 **SECTION 1390.** 49.45 (6m) (ag) 3m. of the statutes is repealed.

15 **SECTION 1391.** 49.45 (6m) (ag) 8. of the statutes is repealed.

16 **SECTION 1392.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

17 49.45 **(6m)** (ar) 1. a. The department shall establish standards for payment of
18 allowable direct care costs, for facilities that do not primarily serve the
19 developmentally disabled, that ~~are not less than the median for~~ take into account
20 direct care costs for a sample of all of those facilities in this state and separate
21 standards for payment of allowable direct care costs, for facilities that primarily
22 serve the developmentally disabled, that ~~are not less than the median for~~ take into
23 account direct care costs for a sample of all of those facilities in this state. The
24 standards shall be adjusted by the department for regional labor cost variations.

25 **SECTION 1393.** 49.45 (6m) (ar) 1. cm. of the statutes is amended to read:

SENATE BILL 45**SECTION 1393**

1 49.45 (6m) (ar) 1. cm. ~~Notwithstanding the limitations under par. (ag) 8.,~~
2 funding Funding distributed to facilities for the provision of active treatment to
3 residents with a diagnosis of developmental disability shall be distributed in
4 accordance with a method developed by the department which is consistent with a
5 prudent buyer approach to payment for services.

6 **SECTION 1394.** 49.45 (6m) (ar) 2. a. of the statutes is amended to read:

7 49.45 (6m) (ar) 2. a. The department shall establish one or more standards for
8 the payment of support service costs that ~~are not less than the median of~~ take into
9 account support service costs for a sample of all facilities within the state.

10 **SECTION 1395.** 49.45 (6m) (ar) 3. a. of the statutes is amended to read:

11 49.45 (6m) (ar) 3. a. The department shall establish standards, adjusted for
12 heating degree day variations in the state, for payment of fuel and utility costs that
13 ~~are not less than the median of~~ take into account heating fuel and utility costs for a
14 sample of all facilities within the state.

15 **SECTION 1396.** 49.45 (6m) (ar) 4. of the statutes is amended to read:

16 49.45 (6m) (ar) 4. For net property taxes or municipal services, payment shall
17 be made for ~~those costs that range from~~ the amount of the previous calendar year's
18 tax or the amount of municipal service costs for a period specified by the department,
19 subject to a maximum limit as determined by the department.

20 **SECTION 1397.** 49.45 (6m) (ar) 5. a. of the statutes is amended to read:

21 49.45 (6m) (ar) 5. a. The department shall establish one or more standards for
22 the payment of administrative and general costs that ~~are not less than the median~~
23 of take into account administrative and general costs for a sample of all facilities
24 within the state.

25 **SECTION 1398.** 49.45 (6m) (ar) 6. of the statutes is amended to read:

SENATE BILL 45**SECTION 1398**

1 49.45 **(6m)** (ar) 6. Capital payment shall be based on a replacement value for
2 a facility. The replacement value shall be determined by a commercial estimator
3 contracted for by the department and paid for by the facility. The replacement value
4 shall be subject to limitations determined by the department, ~~except that the~~
5 ~~department may not reduce final capital payment of a facility by more than \$3.50 per~~
6 ~~patient day.~~

7 **SECTION 1399.** 49.45 (6m) (av) 1. of the statutes is amended to read:

8 49.45 **(6m)** (av) 1. The department shall calculate a payment rate for a facility
9 by applying the criteria set forth under pars. (ag) 1. to 5., and 7. ~~and 8.~~, (am) 1. to 5.
10 and (ar) 1. to 5. to information from cost reports submitted by the facility.

11 **SECTION 1400.** 49.45 (6m) (av) 5m. of the statutes is amended to read:

12 49.45 **(6m)** (av) 5m. ~~Notwithstanding the limitations under par. (ag) 8., the~~ The
13 rate under subd. 1., 4. or 5. may be adjusted by the department to reflect payments
14 for the provision of active treatment to facility residents with a diagnosis of
15 developmental disability.

16 **SECTION 1401.** 49.45 (6m) (bp) (intro.) of the statutes is amended to read:

17 49.45 **(6m)** (bp) (intro.) Notwithstanding pars. ~~(ag) 3m.,~~ (am) 6. and (ar) 6., the
18 department may establish payment methods based on actual costs for capital
19 payment for a facility to which, after December 31, 1982, any of the following applies:

20 **SECTION 1402.** 49.45 (6m) (br) 1. of the statutes is amended to read:

21 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(5)~~ (4) (bt) ~~or (bu)~~
22 or (7) (b) or 20.445 (3) (dz), the department shall reduce allocations of funds to
23 counties in the amount of the disallowance from the appropriation account under s.
24 20.435 ~~(5)~~ (4) (bt) ~~or (bu)~~ or (7) (b), or the department shall direct the department of
25 workforce development to reduce allocations of funds to counties or Wisconsin works

SENATE BILL 45**SECTION 1402**

1 agencies in the amount of the disallowance from the appropriation account under s.
2 20.445 (3) (dz) or direct the department of corrections to reduce allocations of funds
3 to counties in the amount of the disallowance from the appropriation account under
4 s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.

5 **SECTION 1403.** 49.45 (6m) (c) 5. of the statutes is amended to read:

6 49.45 (6m) (c) 5. Admit only patients assessed or who waive or are exempt from
7 the requirement of assessment under s. 46.27 (6) (a) or, if required under s. 50.035
8 (4n) or 50.04 (2h), who have been referred to a resource center.

9 **SECTION 1404.** 49.45 (6t) (intro.) of the statutes is amended to read:

10 49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
11 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (5) (4) (o), for
12 reduction of operating deficits, as defined under criteria developed by the
13 department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42
14 or by a local health department, as defined in s. 250.01 (4), for services provided
15 under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management
16 services under s. 49.46 (2) (b) 12. and for mental health day treatment services for
17 minors provided under the authorization under 42 USC 1396d (r) (5), the department
18 shall allocate up to \$4,500,000 in each fiscal year to these county departments, or
19 local health departments as determined by the department, and shall perform all of
20 the following:

21 **SECTION 1405.** 49.45 (6t) (d) of the statutes is amended to read:

22 49.45 (6t) (d) If the federal department of health and human services approves
23 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result
24 in a lesser allocation amount than that allocated under this subsection or disallows

SENATE BILL 45**SECTION 1405**

1 use of the allocation of federal medicaid funds under par. (c), reduce allocations under
2 this subsection and distribute on a prorated basis, as determined by the department.

3 **SECTION 1406.** 49.45 (6u) (intro.) of the statutes is amended to read:

4 49.45 **(6u)** SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)

5 Notwithstanding sub. (6m), from the appropriation under s. 20.435 ~~(5)~~ (4) (o), for
6 reduction of operating deficits, as defined under criteria developed by the
7 department, incurred by a facility, as defined under sub. (6m) (a) 3., that is
8 established under s. 49.70 (1) or that is owned and operated by a city, village or town,
9 the department may not distribute to these facilities more than \$38,600,000 in each
10 fiscal year, as determined by the department, except that the department shall also
11 distribute for this same purpose from the appropriation under s. 20.435 ~~(5)~~ (4) (o) any
12 additional federal medical assistance moneys that were not anticipated before
13 enactment of the biennial budget act or other legislation affecting s. 20.435 ~~(5)~~ (4) (o)
14 ~~and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8.~~
15 The total amount that a county certifies under this subsection may not exceed 100%
16 of otherwise-unreimbursed care. In distributing funds under this subsection, the
17 department shall perform all of the following:

18 **SECTION 1407.** 49.45 (6u) (d) of the statutes is amended to read:

19 49.45 **(6u)** (d) If the federal department of health and human services approves
20 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result
21 in a lesser allocation amount than that allocated under this subsection, allocate not
22 more than the lesser amount so approved by the federal department of health and
23 human services.

24 **SECTION 1408.** 49.45 (6u) (e) of the statutes is amended to read:

SENATE BILL 45**SECTION 1408**

1 49.45 (6u) (e) If the federal department of health and human services approves
2 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result
3 in a lesser allocation amount than that allocated under this subsection, submit a
4 revision of the method developed under par. (b) for approval by the joint committee
5 on finance in that state fiscal year.

6 **SECTION 1409.** 49.45 (6v) (b) of the statutes is amended to read:

7 49.45 (6v) (b) The department shall, each year, submit to the joint committee
8 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
9 provides information on the utilization of beds by recipients of medical assistance in
10 facilities and a discussion and detailed projection of the likely balances,
11 expenditures, encumbrances and carry over of currently appropriated amounts in
12 the appropriation accounts under s. 20.435 (4) (b) and (o).

13 **SECTION 1410.** 49.45 (6v) (c) of the statutes is amended to read:

14 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
15 by recipients of medical assistance in facilities decreased is less than estimates for
16 that utilization reflected in the intentions of the joint committee on finance,
17 legislature and governor, as expressed by them in the budget determinations, the
18 department shall include a proposal to transfer moneys from the appropriation
19 under s. 20.435 (5) (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose
20 of increasing funding for the community options program under s. 46.27. The
21 amount proposed for transfer may not reduce the balance in the appropriation
22 account under s. 20.435 (4) (b) below an amount necessary to ensure that that
23 appropriation account will end the current fiscal year or the current fiscal biennium
24 with a positive balance. The secretary shall transfer the amount identified under the
25 proposal.

SENATE BILL 45**SECTION 1411**

1 **SECTION 1411.** 49.45 (6w) (intro.) of the statutes is amended to read:

2 49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the
3 appropriation under s. 20.435 ~~(5)~~ (4) (o), for reduction of operating deficits, as defined
4 under criteria developed by the department, incurred by a hospital, as defined under
5 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or
6 owned and operated by a city or village, the department shall allocate up to
7 \$3,300,000 in each fiscal year to these hospitals, as determined by the department,
8 and shall perform all of the following:

9 **SECTION 1412.** 49.45 (6w) (d) of the statutes is amended to read:

10 49.45 **(6w)** (d) If the federal department of health and human services approves
11 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result
12 in a lesser allocation amount than that allocated under this subsection or disallows
13 use of the allocation of federal medicaid funds under par. (c), reduce allocations under
14 this subsection and distribute on a prorated basis, as determined by the department.

15 **SECTION 1413.** 49.45 (6x) (a) of the statutes is amended to read:

16 49.45 **(6x)** (a) Notwithstanding sub. (3) (e), from the appropriations under s.
17 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$4,748,000
18 in each fiscal year, to provide funds to an essential access city hospital, except that
19 the department may not allocate funds to an essential access city hospital to the
20 extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

21 **SECTION 1414.** 49.45 (6x) (d) of the statutes is amended to read:

22 49.45 **(6x)** (d) If the federal department of health and human services approves
23 for state expenditure in any state fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that
24 result in a lesser distribution amount than that distributed under this subsection or

SENATE BILL 45**SECTION 1414**

1 disallows use of federal medicaid funds under par. (a), the department of health and
2 family services shall reduce the distributions under this subsection.

3 **SECTION 1415.** 49.45 (6y) (a) of the statutes is amended to read:

4 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
5 20.435 (5) (4) (b) and (o) the department shall distribute funding in each fiscal year
6 to provide supplemental payment to hospitals that enter into a contract under s.
7 49.02 (2) to provide health care services funded by a relief block grant, as determined
8 by the department, for hospital services that are not in excess of the hospitals'
9 customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief
10 block grant is awarded under this chapter or if the allocation of funds to such
11 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
12 may distribute funds to hospitals that have not entered into a contract under s. 49.02
13 (2).

14 **SECTION 1416.** 49.45 (6y) (am) of the statutes is created to read:

15 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.
16 20.435 (4) (b), (h) and (o) the department shall distribute funding in each fiscal year
17 to provide supplemental payments to hospitals that enter into contracts under s.
18 49.02 (2) with a county having a population of 500,000 or more to provide health care
19 services funded by a relief block grant, as determined by the department, for hospital
20 services that are not in excess of the hospitals' customary charges for the services,
21 as limited under 42 USC 1396b (i) (3).

22 **SECTION 1417.** 49.45 (6y) (b) of the statutes is amended to read:

23 49.45 (6y) (b) The department need not promulgate as rules under ch. 227 the
24 procedures, methods of distribution and criteria required for distribution under ~~par.~~
25 pars. (a) and (am).

SENATE BILL 45**SECTION 1418**

1 **SECTION 1418.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

2 49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations
3 under s. 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute funding in each
4 fiscal year to supplement payment for services to hospitals that enter into a contract
5 under s. 49.02 (2) to provide health care services funded by a relief block grant under
6 this chapter, if the department determines that the hospitals serve a
7 disproportionate number of low-income patients with special needs. If no medical
8 relief block grant under this chapter is awarded or if the allocation of funds to such
9 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
10 may distribute funds to hospitals that have not entered into a contract under s. 49.02
11 (2). The department may not distribute funds under this subsection to the extent
12 that the distribution would do any of the following:

13 **SECTION 1419.** 49.45 (8) (b) of the statutes is amended to read:

14 49.45 **(8)** (b) Reimbursement under s. 20.435 ~~(5)~~ (4) (b) and (o) for home health
15 services provided by a certified home health agency or independent nurse shall be
16 made at the home health agency's or nurse's usual and customary fee per patient care
17 visit, subject to a maximum allowable fee per patient care visit that is established
18 under par. (c).

19 **SECTION 1420.** 49.45 (13) (a) of the statutes is amended to read:

20 49.45 **(13)** (a) The department may require service providers to prepare and
21 submit cost reports or financial reports for purposes of rate certification under Title
22 XIX of the federal Social Security Act, cost verification, fee schedule determination
23 or research and study purposes. These financial reports may include independently
24 audited financial statements ~~which shall include,~~ including balance sheets and
25 statements of revenues and expenses. The department may withhold

SENATE BILL 45**SECTION 1420**

1 reimbursement or may decrease or not increase reimbursement rates if a provider
2 does not submit the reports required under this paragraph within the period
3 specified by the department or if the costs on which the reimbursement rates are
4 based cannot be verified from the provider's cost or financial reports ~~or records from~~
5 ~~which the reports are derived.~~

6 **SECTION 1421.** 49.45 (13) (b) of the statutes is amended to read:

7 49.45 (13) (b) The In addition to the remedies specified under par. (a), the
8 department may require any provider who fails to submit a cost report or financial
9 report under par. (a) within the period specified by the department to forfeit not less
10 than \$10 nor more than \$100 for each day the provider fails to submit the report. A
11 provider may contest the imposition of a forfeiture under this paragraph by
12 submitting a written request for a hearing under s. 227.44 to the department within
13 10 days following the date on which the provider received notice of the forfeiture.

14 **SECTION 1422.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (a) (intro.)
15 and amended to read:

16 49.45 (21) (a) (intro.) ~~If any~~ Before a provider liable for repayment of improper
17 ~~or erroneous payments or overpayments under ss. 49.43 to 49.497~~ sells or otherwise
18 transfers ownership of his or her business or all or substantially all of the assets of
19 the business, ~~the transferor and transferee are each liable for the repayment. Prior~~
20 ~~to final transfer, the transferee is responsible for contacting the department and~~
21 ~~ascertaining if the transferor is liable under this paragraph.~~ all of the following shall
22 take place:

23 **SECTION 1423.** 49.45 (21) (a) 1. to 6. of the statutes are created to read:

24 49.45 (21) (a) 1. The provider shall notify the department of the proposed sale
25 or other transfer.

SENATE BILL 45**SECTION 1423**

1 2. Upon notification under subd. 1., the department shall inform the provider
2 of the extent of the provider's liability, if any, for repayment of improper or erroneous
3 payments or overpayments under ss. 49.43 to 49.497.

4 3. If the department informs the provider under subd. 2. that the provider has
5 liability, the provider shall so inform the prospective buyer or other transferee.

6 4. If the provider informs the prospective buyer or other transferee under subd.
7 3., joint and several liability for the repayment attaches to the provider and to the
8 prospective buyer or other transferee and the sale or other transfer is conditioned
9 upon repayment.

10 5. If the provider fails to notify the prospective buyer or other transferee under
11 subd. 3., no liability for the repayment attaches to the prospective buyer or other
12 transferee.

13 6. The provider and, if subd. 4. applies, the prospective buyer or other
14 transferee shall repay the amount of improper or erroneous payments or
15 overpayments under ss. 49.43 to 49.497 for which the provider and, if subd. 4.
16 applies, the prospective buyer or other transferee have liability.

17 **SECTION 1424.** 49.45 (21) (b) of the statutes is amended to read:

18 49.45 (21) (b) If a sale or other transfer specified in par. (a) occurs and the
19 applicable amount under par. (a) has not been repaid, the ~~department may proceed~~
20 ~~against either the transferor or the transferee. Within 30 days after receiving notice~~
21 ~~from the department, the transferor or the transferee shall pay the amount in full.~~
22 ~~Upon failure to comply, the sale or other transfer is void. The department may bring~~
23 ~~an action to compel payment. If a transferor fails to pay within 90 days after~~
24 ~~receiving notice from the department, the department or may proceed under sub. (2)~~
25 (a) 12., or both.

SENATE BILL 45**SECTION 1425**

1 **SECTION 1425.** 49.45 (24h) of the statutes is created to read:

2 49.45 (24h) PAYMENT RATES FOR DENTAL SERVICES. (a) From the appropriation
3 under s. 20.435 (4) (b), the department shall provide an increase in the rate of
4 payment to providers of dental services specified under ss. 49.46 (2) (b) 1. and 49.47
5 (6) (a) 1. who provide the services on a fee-for-service basis. For state fiscal year
6 1999-2000, the total increase is an amount equal to the lesser of 10% over that paid
7 from this appropriation for the dental services in state fiscal year 1998-99 or
8 \$1,225,300. For state fiscal year 2000-01, the total increase is an amount equal to
9 the least of all of the following:

10 1. Ten percent over the amount paid for the dental services from the
11 appropriation in state fiscal year 2000-01.

12 2. An amount equal to \$1,504,200.

13 3. Whatever percentage over the amount paid for the dental services from the
14 appropriation in state fiscal year 2000-01 equals the percentage of increase in the
15 number of medical assistance recipients receiving dental services on a
16 fee-for-service basis in state fiscal year 2000-01 over the number receiving dental
17 services on a fee-for-service basis in state fiscal year 1999-2000. By September 1,
18 2000, the department shall determine the percentage figure under this subdivision.

19 (b) Calculation of the payments under this subsection excludes estimated
20 changes in total payments reflected in the intentions of the joint committee on
21 finance, legislature and governor as expressed by them in the budget determinations
22 attributable to changes in recipient utilization of dental services provided on a
23 fee-for-service basis.

24 **SECTION 1426.** 49.45 (24m) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1426**

1 49.45 **(24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
2 From the appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o), in order to test the
3 feasibility of instituting a system of reimbursement for providers of home health care
4 and personal care services for medical assistance recipients that is based on
5 competitive bidding, the department shall:

6 **SECTION 1427.** 49.45 (25m) of the statutes is created to read:

7 49.45 **(25m)** MANAGED CARE FOR CHILDREN IN FOSTER CARE. The department may
8 request a waiver from the secretary of the federal department of health and human
9 services to allow the department to require a child who is in foster care to enroll in
10 a managed care plan as a condition of receiving medical assistance. If the waiver is
11 granted and in effect, the department may require a child who is in foster care to
12 enroll in a managed care plan as a condition of receiving medical assistance.

13 **SECTION 1428.** 49.45 (46) of the statutes is created to read:

14 49.45 **(46)** ALCOHOL AND OTHER DRUG ABUSE RESIDENTIAL TREATMENT SERVICES. (a)
15 If a county, city, town or village elects to become certified as a provider of alcohol and
16 other drug abuse residential treatment services or to contract with a certified
17 provider to provide the services, the county, city, town or village may provide directly
18 or under contract alcohol and other drug abuse residential treatment services in
19 facilities with fewer than 16 beds under this subsection in the county, city, town or
20 village to medical assistance recipients through the medical assistance program. A
21 county, city, town or village that elects to provide or to contract for the services shall
22 pay the amount of the allowable charges for the services under the medical
23 assistance program that is not provided by the federal government. The department
24 shall reimburse the county, city, town or village under this subsection only for the

SENATE BILL 45**SECTION 1428**

1 amount of the allowable charges for those services under the medical assistance
2 program that is provided by the federal government.

3 (b) This subsection does not apply after July 1, 2003.

4 **SECTION 1429.** 49.45 (47) of the statutes is created to read:

5 49.45 (47) ADULT DAY CARE CENTERS. (a) In this subsection, "adult day care
6 center" means an entity that provides services for part of a day in a group setting to
7 adults who need an enriched health-supportive or social experience and who may
8 need assistance with activities of daily living, supervision or protection.

9 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
10 of services to clients in an adult day care center unless the adult day care center is
11 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

12 (c) The biennial fee for the certification required under par. (b) of an adult day
13 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
14 clients that the adult day care center is certified to serve. Fees collected under this
15 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

16 (d) The department, by rule, may increase any fee specified in par. (c).

17 **SECTION 1430.** 49.453 (4) (title) of the statutes is amended to read:

18 49.453 (4) (title) IRREVOCABLE ANNUITIES, PROMISSORY NOTES AND SIMILAR
19 TRANSFERS.

20 **SECTION 1431.** 49.453 (4) (a) of the statutes is renumbered 49.453 (4) (a) (intro.)
21 and amended to read:

22 49.453 (4) (a) (intro.) For the purposes of sub. (2), whenever a covered
23 individual or his or her spouse, or another person acting on behalf of the covered
24 individual or his or her spouse, transfers assets to an irrevocable annuity, or
25 transfers assets by promissory note or similar instrument, in an amount that exceeds

SENATE BILL 45**SECTION 1431**

1 the expected value of the benefit, the covered individual or his or her spouse transfers
2 assets for less than fair market value. A transfer to an annuity, or a transfer by
3 promissory note or similar instrument, is not in excess of the expected value only if
4 all of the following are true:

5 **SECTION 1432.** 49.453 (4) (a) 1. and 2. of the statutes are created to read:

6 49.453 (4) (a) 1. The periodic payments back to the transferor include principal
7 and interest that, at the time that the transfer is made, is at least at the prime
8 lending rate as reported by the federal reserve board in federal statistical release H.
9 15.

10 2. The terms of the instrument provide for a payment schedule that includes
11 equal periodic payments, except that payments may be unequal if the interest
12 payments are tied to the prime lending rate, as reported by the federal reserve board
13 in federal statistical release H. 15., and the inequality is caused exclusively by
14 fluctuations in that rate.

15 **SECTION 1433.** 49.453 (4) (c) of the statutes is amended to read:

16 49.453 (4) (c) The department shall promulgate rules specifying the method to
17 be used in calculating the expected value of the benefit, based on 26 CFR 1.72-1 to
18 1.72-18, and specifying the criteria for adjusting the expected value of the benefit
19 based on a medical condition diagnosed by a physician before the assets were
20 transferred to the annuity, or transferred by promissory note or similar instrument.

21 **SECTION 1434.** 49.46 (1p) of the statutes is created to read:

22 49.46 (1p) **DEMONSTRATION PROJECT FOR PERSONS WITH HIV.** The department
23 shall request a waiver from the secretary of the federal department of health and
24 human services to allow the department to provide under this section coverage of
25 services specified under sub. (2) (b) 17. for persons who have HIV infection, as defined

SENATE BILL 45**SECTION 1434**

1 in s. 252.01 (2). If a waiver is granted and in effect, the department shall provide
2 coverage for the services specified under sub. (2) (b) 17. for persons who qualify under
3 the terms of the waiver.

4 **SECTION 1435.** 49.46 (2) (b) 8. of the statutes is amended to read:

5 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
6 (11), 46.275, 46.277 or 46.278 or under the family care benefit if a waiver is in effect
7 under s. 46.281 (1) (c).

8 **SECTION 1436.** 49.46 (2) (b) 17. of the statutes is created to read:

9 49.46 (2) (b) 17. If a waiver under sub. (1p) is granted and in effect, clinical
10 evaluation services, as defined by the department, for persons who qualify for
11 coverage under sub. (1p), not to exceed \$500 per year per person.

12 **SECTION 1437.** 49.46 (2) (b) 18. of the statutes is created to read:

13 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of
14 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision
15 does not apply after July 1, 2003.

16 **SECTION 1438.** 49.47 (4) (as) 1. of the statutes is amended to read:

17 49.47 (4) (as) 1. The person would meet the financial and other eligibility
18 requirements for home or community-based services under s. 46.27 (11) or 46.277
19 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c) but for
20 the fact that the person engages in substantial gainful activity under 42 USC 1382c
21 (a) (3).

22 **SECTION 1439.** 49.47 (4) (as) 3. of the statutes is amended to read:

23 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) or 46.277
24 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c).

25 **SECTION 1440.** 49.472 of the statutes is created to read:

SENATE BILL 45**SECTION 1440**

1 **49.472 Medical assistance purchase plan. (1) DEFINITIONS.** In this section:

2 (a) “Earned income” has the meaning given in 42 USC 1382a (a) (1).

3 (am) “Family” means an individual, the individual’s spouse and any dependent
4 child, as defined in s. 49.141 (1) (c), of the individual.

5 (b) “Health insurance” means surgical, medical, hospital, major medical or
6 other health service coverage, including a self-insured health plan, but does not
7 include hospital indemnity policies or ancillary coverages such as income
8 continuation, loss of time or accident benefits.

9 (c) “Independence account” means an account approved by the department that
10 consists solely of savings, and dividends or other gains derived from those savings,
11 from income earned from paid employment after the initial date that an individual
12 began receiving medical assistance under this section.

13 (d) “Medical assistance purchase plan” means medical assistance, eligibility for
14 which is determined under this section.

15 (e) “Unearned income” has the meaning given in 42 USC 1382a (a) (2).

16 **(2) WAIVERS AND AMENDMENTS.** The department shall submit to the federal
17 department of health and human services an amendment to the state medical
18 assistance plan, and shall request any necessary waivers from the secretary of the
19 federal department of health and human services, to permit the department to
20 expand medical assistance eligibility as provided in this section. If the state plan
21 amendment and all necessary waivers are approved and in effect, the department
22 shall implement the medical assistance eligibility expansion under this section not
23 later than January 1, 2000, or 3 months after full federal approval, whichever is
24 later.

SENATE BILL 45**SECTION 1440**

1 **(3) ELIGIBILITY.** Except as provided in sub. (6) (a), an individual is eligible for
2 and shall receive medical assistance under this section if all of the following
3 conditions are met:

4 (a) The individual's net income, including income that would be deemed to the
5 individual under 20 CFR 416.1160, is less than 250% of the poverty line for a family
6 the size of the individual's family. In calculating the net income, the department
7 shall disregard the income specified under 42 USC 1382a (b).

8 (b) The individual's assets do not exceed \$20,000. In determining assets, the
9 department may not include assets that are excluded from the resource calculation
10 under 42 USC 1382b (a) or assets accumulated in an independence account. The
11 department may exclude, in whole or in part, the value of a vehicle used by the
12 individual for transportation to paid employment.

13 (c) The individual would be eligible for supplemental security income for
14 purposes of receiving medical assistance but for evidence of work, attainment of the
15 substantial gainful activity level, earned income in excess of the limit established
16 under 42 USC 1396d (q) (2) (B) and unearned income that is disregarded under sub.
17 (4) (a) 2.

18 (e) The individual is legally able to work in all employment settings without
19 a permit under s. 103.70.

20 (f) The individual maintains premium payments calculated by the department
21 in accordance with sub. (4), unless the individual is exempted from premium
22 payments under sub. (4) (b) or (c) or (5).

23 (g) The individual is engaged in gainful employment or is participating in a
24 program that is certified by the department to provide health and employment
25 services that are aimed at helping the individual achieve employment goals.

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1 (h) The individual meets all other requirements established by the department
2 by rule.

3 (4) PREMIUMS. (a) Except as provided in par. (b) and sub. (5), an individual who
4 is eligible for medical assistance under sub. (3) and receives medical assistance shall
5 pay a monthly premium to the department. The department shall establish the
6 monthly premiums by rule in accordance with the following guidelines:

7 1. The premium for any individual may not exceed the sum of the following:

8 a. Three and one-half percent of the individual's earned income.

9 b. One hundred percent of the individual's unearned income after the
10 deductions specified in subd. 2.

11 2. In determining an individual's unearned income under subd. 1., the
12 department shall disregard all of the following:

13 a. A maintenance allowance established by the department by rule. The
14 maintenance allowance may not be less than the sum of \$20, the federal
15 supplemental security income payment level determined under 42 USC 1382 (b) and
16 the state supplemental payment determined under s. 49.77 (2m).

17 b. Medical and remedial expenses and impairment-related work expenses.

18 3. The department may reduce the premium by 25% for an individual who is
19 covered by private health insurance.

20 (b) The department may waive monthly premiums that are calculated to be
21 below \$10 per month.

22 (c) The department shall assess a one-time entry premium based on a sliding
23 scale established by the department by rule and according to an individual's gross
24 income. In calculating an individual's gross income, the department may treat
25 earned and unearned income differently. The department may waive all or part of

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1 the entry premium, or extend the time period for payment of the entry premium, for
2 an individual if the department determines that any of the following is true:

3 1. Assessment of the premium would impose an undue hardship on the
4 individual and, would fail to remove barriers to employment for the individual or
5 would fail to increase access to health care for the individual.

6 2. Assessment of the premium would reduce the cost-effectiveness of the
7 medical assistance purchase plan.

8 **(5) COMMUNITY OPTIONS PARTICIPANTS.** From the appropriation under s. 20.435
9 (7) (bd), the department shall pay the entry premium established under sub. (4) (c)
10 for a person who is a participant in the community options program under s. 46.27
11 (7), and may pay the entry premium calculated under sub. (4) (c) or the monthly
12 premium calculated under sub. (4) (a), for an individual who is a participant in the
13 community options program under s. 46.27 (11). No individual who is a participant
14 in the community options program under s. 46.27 (11) may be required to pay a
15 monthly premium calculated under sub. (4) (a) if the individual pays the amount
16 calculated under s. 46.27 (6u) (c) 2.

17 **(6) INSURED PERSONS.** (a) Notwithstanding sub. (4) (a) 3., from the
18 appropriation under s. 20.435 (4) (b), the department shall, on the part of an
19 individual who is eligible for medical assistance under sub. (3), pay premiums for or
20 purchase individual coverage offered by the individual's employer if the department
21 determines that paying the premiums for or purchasing the coverage will not be more
22 costly than providing medical assistance.

23 (b) If federal financial participation is available, from the appropriation under
24 s. 20.435 (4) (b), the department may pay medicare Part A and Part B premiums for
25 individuals who are eligible for medicare and for medical assistance under sub. (3).

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1 **(7) DEPARTMENT DUTIES.** The department shall do all of the following:

2 (a) Determine eligibility, or contract with a county department, as defined in
3 49.45 (6c) (a) 3., or with a tribal governing body to determine eligibility, of individuals
4 for the medical assistance purchase plan in accordance with sub. (3).

5 (b) Ensure, to the extent practicable, continuity of care for a medical assistance
6 recipient under this section who is engaged in paid employment, or is enrolled in a
7 home-based or community-based waiver program under section 1915 (c) of the
8 Social Security Act, and who becomes ineligible for medical assistance.

9 **SECTION 1441.** 49.475 (5) of the statutes is amended to read:

10 49.475 **(5) REIMBURSEMENT OF COSTS.** From the appropriations under s. 20.435
11 ~~(1) (4)~~ (bm) and ~~(p)~~ (pa), the department shall reimburse an insurer that provides
12 information under this section for the insurer's reasonable costs incurred in
13 providing the requested information, including its reasonable costs, if any, to develop
14 and operate automated systems specifically for the disclosure of information under
15 this section.

16 **SECTION 1442.** 49.475 (6) of the statutes is created to read:

17 49.475 **(6) SHARING INFORMATION.** The department may provide to the
18 department of workforce development any information that the department receives
19 under this section. The 2 departments shall agree on procedures and methods to
20 adequately safeguard the confidentiality of the information provided.

21 **SECTION 1443.** 49.489 of the statutes is created to read:

22 **49.489 False claims or statements prohibited. (1)** In this section:

23 (a) "Claim" means a request submitted by a provider for payment for services
24 or items furnished by the provider under the medical assistance program.

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1 (b) "Statement" means a representation, certification, affirmation, document,
2 record or accounting or bookkeeping entry made with respect to a claim or to obtain
3 approval or payment of a claim.

4 **(2)** No provider may submit a claim or cause a claim to be submitted if the
5 provider knows or should know any of the following:

6 (a) That the claim is false.

7 (b) That the claim includes or is supported by a written statement that asserts
8 a material fact that is false.

9 (c) That the claim includes or is supported by a written statement that omits
10 a material fact that the provider has a duty to include and, by reason of the omission,
11 is false.

12 **(3)** No provider may make or cause to be made a written statement that
13 contains or is accompanied by an express certification or affirmation of the
14 truthfulness and accuracy of the statement if the provider knows or should know any
15 of the following:

16 (a) That the statement asserts a material fact that is false.

17 (b) That the statement omits a material fact that the provider has a duty to
18 include and, by reason of the omission, is false.

19 **(4)** For purposes of subs. (2) and (3), all of the following apply:

20 (a) Each claim form constitutes a separate claim.

21 (b) Each representation, certification, affirmation, document, record or
22 accounting or bookkeeping entry constitutes a separate statement.

23 (c) A claim is subject to this section regardless of whether the claim is actually
24 paid.

25 (d) A claim is considered to be made when it is received by the fiscal agent.

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1 (e) Except as provided in par. (f), a statement is considered to be made when
2 it is received by the fiscal agent.

3 (f) A statement that is not submitted to a fiscal agent but is retained by the
4 provider to support a claim is considered to be made when it is entered in the
5 provider's books, files or other records.

6 (5) Any person who violates sub. (2) or (3) may be required to forfeit not more
7 than \$5,000 for each offense.

8 (6) If the department assesses a forfeiture under sub. (5) for a violation of sub.
9 (2), the department may impose on the violator, in addition to the forfeiture, a false
10 claim surcharge in an amount that is not more than 200% of the amount of the claim
11 in regard to which sub. (2) was found to have been violated.

12 (7) The department may directly assess a forfeiture provided for in sub. (5).
13 If the department determines that a forfeiture should be assessed for a particular
14 violation, the department shall send a notice of assessment to the alleged violator.
15 The notice shall specify the amount of the forfeiture assessed, the violation and the
16 statute alleged to have been violated and shall inform the alleged violator of the right
17 to a hearing under sub. (8).

18 (8) An alleged violator may contest an assessment of a forfeiture by sending,
19 within 30 days after receipt of the notice under sub. (7), a written request for hearing
20 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1).
21 The administrator of the division may designate a hearing examiner to preside over
22 the case and recommend a decision to the administrator under s. 227.46. The
23 decision of the administrator of the division shall be the final administrative
24 decision. The division shall commence the hearing within 30 days after receipt of the
25 request for hearing and shall issue a final decision within 15 days after the close of

SENATE BILL 45**SECTION 1443**

1 the hearing. Proceedings before the division are governed by ch. 227. In any petition
2 for judicial review of a decision by the division, the party, other than the petitioner,
3 who was in the proceeding before the division shall be the named respondent.

4 (9) All forfeitures and false claim surcharges, if any, shall be paid to the
5 department within 10 days after receipt of notice of assessment or, if the forfeiture
6 is contested under sub. (8), within 10 days after receipt of the final decision after
7 exhaustion of administrative review, unless the final decision is appealed. The
8 department shall remit all forfeitures paid to the state treasurer for deposit in the
9 school fund. The department shall credit all false claims surcharges to the
10 appropriation account under s. 20.435 (1) (kx).

11 (10) The attorney general may bring an action in the name of the state to collect
12 any forfeiture or false claim surcharge imposed under this section if the forfeiture or
13 false claim surcharge has not been paid following the exhaustion of all
14 administrative and judicial reviews. The only issue to be contested in any such action
15 is whether the forfeiture or false claim surcharge has been paid.

16 **SECTION 1444.** 49.496 (2) (title) of the statutes is amended to read:

17 49.496 (2) (title) LIENS ON THE HOMES OF NURSING HOME RESIDENTS AND INPATIENTS
18 AT HOSPITALS.

19 **SECTION 1445.** 49.496 (2) (a) of the statutes is amended to read:

20 49.496 (2) (a) Except as provided in par. (b), the department may obtain a lien
21 on a recipient's home if the recipient resides in a nursing home, or if the recipient
22 resides in a hospital and is required to contribute to the cost of care, and the recipient
23 cannot reasonably be expected to be discharged from the nursing home or hospital
24 and return home. The lien is for the amount of medical assistance paid on behalf of

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1 the recipient ~~while the recipient resides in a nursing home~~ that is recoverable under
2 sub. (3) (a).

3 **SECTION 1446.** 49.496 (2) (b) 3. of the statutes is amended to read:

4 49.496 (2) (b) 3. The recipient's sibling who has an ownership interest in the
5 home and who has lived in the home continuously beginning at least 12 months
6 before the recipient was admitted to the nursing home or hospital.

7 **SECTION 1447.** 49.496 (2) (c) 1. of the statutes is amended to read:

8 49.496 (2) (c) 1. Notify the recipient in writing of its determination that the
9 recipient cannot reasonably be expected to be discharged from the nursing home or
10 hospital, its intent to impose a lien on the recipient's home and the recipient's right
11 to a hearing on whether the requirements for the imposition of a lien are satisfied.

12 **SECTION 1448.** 49.496 (2) (f) 3. of the statutes is amended to read:

13 49.496 (2) (f) 3. A child of any age who resides in the home, if that child resided
14 in the home for at least 24 months before the recipient was admitted to the nursing
15 home or hospital and provided care to the recipient that delayed the recipient's
16 admission to the nursing home or hospital.

17 **SECTION 1449.** 49.496 (2) (f) 4. of the statutes is amended to read:

18 49.496 (2) (f) 4. A sibling who resides in the home, if the sibling resided in the
19 home for at least 12 months before the recipient was admitted to the nursing home
20 or hospital.

21 **SECTION 1450.** 49.496 (2) (h) of the statutes is amended to read:

22 49.496 (2) (h) The department shall file a release of a lien imposed under this
23 subsection if the recipient is discharged from the nursing home or hospital and
24 returns to live in the home.

25 **SECTION 1451.** 49.496 (3) (a) (intro.) of the statutes is amended to read:

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1 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
2 a claim against the estate of a recipient ~~or against the estate of the surviving spouse~~
3 ~~of a recipient~~ for all of the following unless already recovered by the department
4 under this section:

5 **SECTION 1452.** 49.496 (3) (a) 1. of the statutes is amended to read:

6 49.496 (3) (a) 1. The amount of medical assistance paid on behalf of the
7 recipient while the recipient resided in a nursing home or while the recipient was an
8 inpatient in a ~~medical institution~~ hospital and was required to contribute to the cost
9 of care.

10 **SECTION 1453.** 49.496 (3) (a) 2. a. of the statutes is amended to read:

11 49.496 (3) (a) 2. a. Home-based or community-based services under 42 USC
12 1396d (a) (7) and (8) and under any waiver granted under 42 USC 1396n (c) (4) (B)
13 or 42 USC 1396u.

14 **SECTION 1454.** 49.496 (3) (a) 2. d. of the statutes is created to read:

15 49.496 (3) (a) 2. d. Personal care services under s. 49.46 (2) (b) 6. j.

16 **SECTION 1455.** 49.496 (3) (am) (intro.) of the statutes is amended to read:

17 49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.
18 (a) by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the
19 recipient's heirs or the beneficiaries of the recipient's will to retain the following
20 personal property:

21 **SECTION 1456.** 49.496 (3) (am) 3. of the statutes is amended to read:

22 49.496 (3) (am) 3. Other tangible personal property not used in trade,
23 agriculture or other business, not to exceed \$1,000 in value the amount specified in
24 s. 861.33 (1) (a) 4.

25 **SECTION 1457.** 49.496 (3) (b) of the statutes is amended to read:

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1 49.496 (3) (b) A claim under par. (a) is not allowable if while the decedent has
2 a surviving child who is under age 21 or disabled or a surviving spouse.

3 **SECTION 1458.** 49.496 (3) (c) of the statutes is renumbered 49.496 (3) (c) 1. and
4 amended to read:

5 49.496 (3) (c) 1. If the department's claim is not allowable because of par. (b)
6 and the estate includes an interest in a home, the court exercising probate
7 jurisdiction shall, in the final judgment or summary findings and order, assign the
8 interest in the home subject to a lien in favor of the department for the amount
9 described in par. (a). The personal representative or petitioner for summary
10 settlement or summary assignment of the estate shall record the final judgment as
11 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

12 **SECTION 1459.** 49.496 (3) (c) 2. of the statutes is created to read:

13 49.496 (3) (c) 2. If the department's claim is not allowable because of par. (b),
14 the estate includes an interest in a home and the personal representative closes the
15 estate by sworn statement under s. 865.16, the personal representative shall
16 stipulate in the statement that the home is assigned subject to a lien in favor of the
17 department for the amount described in par. (a). The personal representative shall
18 record the statement in the same manner as described in s. 863.29, as if the
19 statement were a final judgment.

20 **SECTION 1460.** 49.496 (3) (f) of the statutes is created to read:

21 49.496 (3) (f) The department may contract with or employ an attorney to
22 probate estates to recover under this subsection the costs of care.

23 **SECTION 1461.** 49.496 (5) of the statutes is amended to read:

24 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 ~~(5)~~ (4) (im),
25 the department shall pay the amount of the payments under sub. (4) that is not paid

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1 from federal funds, shall pay to the federal government the amount of the funds
2 recovered under this section equal to the amount of federal funds used to pay the
3 benefits recovered under this section and shall spend the remainder of the funds
4 recovered under this section for medical assistance benefits under this subchapter.

5 **SECTION 1462.** 49.499 (intro.) of the statutes, as affected by 1997 Wisconsin Act
6 27, is renumbered 49.499 (1) (intro.).

7 **SECTION 1463.** 49.499 (1) to (3) of the statutes are renumbered 49.499 (1) (a)
8 to (c).

9 **SECTION 1464.** 49.499 (2m) of the statutes is created to read:

10 49.499 (2m) From the appropriation under s. 20.435 (6) (g), the department
11 may distribute funds for innovative projects designed to protect the health and
12 property of a resident in a nursing facility, as defined in s. 49.498 (1) (i).

13 **SECTION 1465.** 49.665 (1) (a) of the statutes is renumbered 49.665 (1) (e) and
14 amended to read:

15 49.665 (1) (e) “~~Custodial parent~~ Parent” has the meaning given in s. 49.141 (1)
16 (b) (j).

17 **SECTION 1466.** 49.665 (1) (b) of the statutes is repealed and recreated to read:

18 49.665 (1) (b) “Child” means a person who is under the age of 19.

19 **SECTION 1467.** 49.665 (1) (d) of the statutes is amended to read:

20 49.665 (1) (d) “Family” means a unit that consists of at least one dependent
21 child and his or her ~~custodial~~ parent or parents, all of whom reside in the same
22 household. “Family” includes the spouse of an individual who is a ~~custodial~~ parent
23 if the spouse resides in the same household as the individual.

24 **SECTION 1468.** 49.665 (1) (f) of the statutes is created to read:

SENATE BILL 45**SECTION 1468**

1 49.665 (1) (f) "State plan" means the state child health plan under 42 USC
2 1397aa (b).

3 **SECTION 1469.** 49.665 (3) of the statutes is amended to read:

4 49.665 (3) ADMINISTRATION. The department shall administer a program to
5 provide the health services and benefits described in s. 49.46 (2) to families persons
6 that meet the eligibility requirements specified in sub. (4). The department shall
7 promulgate rules setting forth the application procedures and appeal and grievance
8 procedures. The department may promulgate rules limiting access to the program
9 under this section to defined enrollment periods. The department may also
10 promulgate rules establishing a method by which the department may purchase
11 family coverage offered by the employer of a member of an eligible family or by a
12 member of a child's household under circumstances in which the department
13 determines that purchasing that coverage would not be more costly than providing
14 the coverage under this section.

15 **SECTION 1470.** 49.665 (4) (a) 1. of the statutes is amended to read:

16 49.665 (4) (a) 1. The family's income does not exceed 185% of the poverty line,
17 except as provided in par. (at) and except that a family that is already receiving
18 health care coverage under this section may have an income that does not exceed
19 200% of the poverty line. The department shall establish by rule the criteria to be
20 used to determine income.

21 **SECTION 1471.** 49.665 (4) (am) of the statutes is created to read:

22 49.665 (4) (am) A child who does not reside with his or her parent is eligible
23 for health care coverage under this section if the child meets all of the following
24 requirements:

SENATE BILL 45**SECTION 1471**

1 1. The child's income does not exceed 185% of the poverty line, except as
2 provided in par. (at) and except that a child that is already receiving health care
3 coverage under this section may have an income that does not exceed 200% of the
4 poverty line. The department shall use the criteria established under par. (a) 1. to
5 determine income under this subdivision.

6 2. The child does not have access to employer-subsidized health care coverage.

7 3. The child has not had access to employer-subsidized health care coverage
8 within the time period established by the department under par. (a) 3. The
9 department may establish exceptions to this subdivision.

10 4. The child meets all other requirements established by the department by
11 rule. In establishing other eligibility criteria, the department may not include any
12 health condition requirements.

13 **SECTION 1472.** 49.665 (4) (at) of the statutes is created to read:

14 49.665 (4) (at) 1. The department shall establish by state plan amendment a
15 lower maximum income level for the initial eligibility determination if funding under
16 s. 20.435 (4) (bc), (jz) and (p) is insufficient to accommodate the projected enrollment
17 levels for the health care program under this section. The adjustment may not be
18 greater than necessary to ensure sufficient funding.

19 2. If, after the department has established a lower maximum income level
20 under subd. 1., projections indicate that funding under s. 20.435 (4) (bc), (jz) and (p)
21 is sufficient to raise the level, the department shall, by state plan amendment, raise
22 the maximum income level for initial eligibility, but not to exceed 185% of the poverty
23 line.

24 3. The department may not adjust the maximum income level of 200% of the
25 poverty line for persons already receiving health care coverage under this section.

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1 **SECTION 1473.** 49.665 (4) (b) of the statutes is amended to read:

2 49.665 (4) (b) Notwithstanding fulfillment of the eligibility requirements
3 under this subsection, ~~a family~~ no person is not entitled to health care coverage under
4 this section.

5 **SECTION 1474.** 49.665 (4) (c) of the statutes is amended to read:

6 49.665 (4) (c) No ~~family~~ person may be denied health care coverage under this
7 section solely because of a health condition of that person or of any family member
8 of that person.

9 **SECTION 1475.** 49.665 (5) (a) of the statutes is amended to read:

10 49.665 (5) (a) Except as provided in par. (b), a family ~~that, or child who does~~
11 not reside with his or her parent, who receives health care coverage under this
12 section shall pay a percentage of the cost of that coverage in accordance with a
13 schedule established by the department by rule. If the schedule established by the
14 department requires a family, or child who does not reside with his or her parent, to
15 contribute more than 3% of the family's or child's income towards the cost of the
16 health care coverage provided under this section, the department shall submit the
17 schedule to the joint committee on finance for review and approval of the schedule.
18 If the cochairpersons of the joint committee on finance do not notify the department
19 within 14 working days after the date of the department's submittal of the schedule
20 that the committee has scheduled a meeting to review the schedule, the department
21 may implement the schedule. If, within 14 days after the date of the department's
22 submittal of the schedule, the cochairpersons of the committee notify the department
23 that the committee has scheduled a meeting to review the schedule, the department
24 may not require a family, or child who does not reside with his or her parent, to
25 contribute more than 3% of the family's or child's income unless the joint committee

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1 on finance approves the schedule. The joint committee on finance may not approve
2 and the department may not implement a schedule that requires a family or child
3 to contribute more than 3.5% of the family's or child's income towards the cost of the
4 health care coverage provided under this section.

5 **SECTION 1476.** 49.665 (5) (b) of the statutes is amended to read:

6 49.665 (5) (b) The department may not require a family, or child who does not
7 reside with his or her parent, with an income below ~~143%~~ 150% of the poverty line
8 to contribute to the cost of health care coverage provided under this section.

9 **SECTION 1477.** 49.682 (2) (c) (intro.) of the statutes is amended to read:

10 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
11 (a) by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the
12 client's heirs or the beneficiaries of the client's will to retain the following personal
13 property:

14 **SECTION 1478.** 49.682 (2) (c) 3. of the statutes is amended to read:

15 49.682 (2) (c) 3. Other tangible personal property not used in trade, agriculture
16 or other business, not to exceed \$1,000 in value the amount specified in s. 861.33 (1)
17 (a) 4.

18 **SECTION 1479.** 49.682 (2) (e) of the statutes is renumbered 49.682 (2) (e) 1. and
19 amended to read:

20 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
21 and the estate includes an interest in a home, the court exercising probate
22 jurisdiction shall, in the final judgment or summary findings and order, assign the
23 interest in the home subject to a lien in favor of the department for the amount
24 described in par. (a). The personal representative or petitioner for summary

SENATE BILL 45**SECTION 1479**

1 settlement or summary assignment of the estate shall record the final judgment as
2 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

3 **SECTION 1480.** 49.682 (2) (e) 2. of the statutes is created to read:

4 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
5 the estate includes an interest in a home and the personal representative closes the
6 estate by sworn statement under s. 865.16, the personal representative shall
7 stipulate in the statement that the home is assigned subject to a lien in favor of the
8 department for the amount described in par. (a). The personal representative shall
9 record the statement in the same manner as described in s. 863.29, as if the
10 statement were a final judgment.

11 **SECTION 1481.** 49.682 (6) of the statutes is created to read:

12 49.682 (6) The department may contract with or employ an attorney to probate
13 estates to recover under this section the costs of care.

14 **SECTION 1482.** 49.683 (2) of the statutes is amended to read:

15 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the
16 appropriation under s. 20.435 ~~(5)~~ (4) (e).

17 **SECTION 1483.** 49.687 (2) of the statutes is amended to read:

18 49.687 (2) The department shall develop and implement a sliding scale of
19 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
20 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to
21 pay for treatment. To ensure that the needs for treatment of patients with lower
22 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (e),
23 the department shall revise the sliding scale for patient liability by January 1, 1994,
24 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the
25 sliding scale.

SENATE BILL 45**SECTION 1484**

1 **SECTION 1484.** 49.775 (4) of the statutes is amended to read:

2 49.775 (4) PAYMENT AMOUNT. The payment under sub. (2) is \$100 \$150 per
3 month per dependent child.

4 **SECTION 1485.** 49.85 (2) (a) of the statutes is amended to read:

5 49.85 (2) (a) At least annually, the department of health and family services
6 shall certify to the department of revenue the amounts that, based on the
7 notifications received under sub. (1) and on other information received by the
8 department of health and family services, the department of health and family
9 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except
10 that the department of health and family services may not certify an amount under
11 this subsection unless it has met the notice requirements under sub. (3) and unless
12 its determination has either not been appealed or is no longer under appeal.

13 **SECTION 1486.** 49.85 (3) (a) 1. of the statutes is amended to read:

14 49.85 (3) (a) 1. Inform the person that the department of health and family
15 services intends to certify to the department of revenue an amount that the
16 department of health and family services has determined to be due under s. 49.45
17 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

18 **SECTION 1487.** 49.855 (7) of the statutes is repealed.

19 **SECTION 1488.** 49.857 (1) (d) 3. of the statutes is amended to read:

20 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).

21 **SECTION 1489.** 49.89 (2) of the statutes is amended to read:

22 49.89 (2) SUBROGATION. The department of health and family services, the
23 department of workforce development, a county or an elected tribal governing body
24 that provides any public assistance under this chapter or under s. 253.05 as a result
25 of the occurrence of an injury, sickness or death that creates a claim or cause of action,

SENATE BILL 45**SECTION 1489**

1 whether in tort or contract, on the part of a public assistance recipient or beneficiary
2 or the estate of a recipient or beneficiary against a 3rd party, including an insurer,
3 is subrogated to the rights of the recipient, beneficiary or estate and may make a
4 claim or maintain an action or intervene in a claim or action by the recipient,
5 beneficiary or estate against the 3rd party. Subrogation under this subsection
6 because of the provision of medical assistance under subch. IV constitutes a lien,
7 equal to the amount of the medical assistance provided as a result of the injury,
8 sickness or death that gave rise to the claim. The lien is on any lump sum payment
9 resulting from a judgment or settlement that may be due the obligor. A lien under
10 this subsection continues until it is released and discharged by the department of
11 health and family services.

12 **SECTION 1490.** 49.89 (3m) (bm) of the statutes is created to read:

13 49.89 (3m) (bm) A person against whom a claim that is subrogated under sub.
14 (2) or assigned under sub. (3) is made, or that person's attorney or insurer, shall
15 provide notice under par. (c), if that person, attorney or insurer knows, or could
16 reasonably determine, that the claimant is a recipient or former recipient of medical
17 assistance under subch. IV, or is the estate of a former recipient of medical assistance
18 under subch. IV.

19 **SECTION 1491.** 49.89 (7) (c) of the statutes is amended to read:

20 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
21 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.,
22 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
23 the sum recovered, except that the incentive payment for an amount recovered
24 because of benefits paid under s. 49.19 shall be considered an administrative cost
25 under s. 49.19 for the purpose of claiming federal funding.

SENATE BILL 45**SECTION 1492**

1 **SECTION 1492.** 50.01 (6h) of the statutes is created to read:

2 50.01 (6h) "Secretary" means the secretary of health and family services.

3 **SECTION 1493.** 50.02 (2) (d) of the statutes is created to read:

4 50.02 (2) (d) The department shall promulgate rules that prescribe the time
5 periods and the methods of providing information specified in ss. 50.033 (2r) and (2s),
6 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).

7 **SECTION 1494.** 50.03 (13) (a) of the statutes is amended to read:

8 50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from
9 the person or persons named in the license to any other person or persons, the
10 transferee must obtain a new license. The license may be a probationary license.
11 Penalties under sub. (1) shall apply to violations of this subsection. The transferee
12 shall notify the department of the transfer, file an application under sub. (3) (b) and
13 apply for a new license at least 30 days prior to final transfer. Retention of any
14 interest required to be disclosed under sub. (3) (b) after transfer by any person who
15 held such an interest prior to transfer may constitute grounds for denial of a license
16 where violations of this subchapter for which notice had been given to the transferor
17 are outstanding and uncorrected, if the department determines that effective control
18 over operation of the facility has not been transferred. If the transferor was a
19 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45
20 (21).

21 **SECTION 1495.** 50.033 (2) of the statutes is amended to read:

22 50.033 (2) **REGULATION.** Standards for operation of licensed adult family homes
23 and procedures for application for licensure, monitoring, inspection, revocation and
24 appeal of revocation under this section shall be under rules promulgated by the
25 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until

SENATE BILL 45**SECTION 1495**

1 revoked under this section. Licensure is not transferable. The biennial licensure fee
2 for a licensed adult family home is \$75 ~~\$142.50~~. The fee is payable to the county
3 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
4 licenses the adult family home under sub. (1m) (b), and is payable to the department,
5 on a schedule determined by the department if the department licenses the adult
6 family home under sub. (1m) (b).

7 **SECTION 1496.** 50.033 (2r) of the statutes is created to read:

8 50.033 (2r) PROVISION OF INFORMATION REQUIRED. Subject to sub. (2t), an adult
9 family home shall, within the time period after inquiry by a prospective resident that
10 is prescribed by the department by rule, inform the prospective resident of the
11 services of a resource center under s. 46.283, the family care benefit under s. 46.286
12 and the availability of a functional and financial screen to determine the prospective
13 resident's eligibility for the family care benefit under s. 46.286 (1).

14 **SECTION 1497.** 50.033 (2s) of the statutes is created to read:

15 50.033 (2s) REQUIRED REFERRAL. Subject to sub. (2t), an adult family home shall,
16 within the time period prescribed by the department by rule, refer to a resource
17 center under s. 46.283 a person who is seeking admission, who is at least 65 years
18 of age or has a physical disability and whose disability or condition is expected to last
19 at least 90 days, unless any of the following applies:

20 (a) The person has received a screen for functional eligibility under s. 46.286
21 (1) (a) within the previous 6 months.

22 (b) The person is entering the adult family home only for respite care.

23 (c) The person is an enrollee of a care management organization.

24 **SECTION 1498.** 50.033 (2t) of the statutes is created to read:

SENATE BILL 45**SECTION 1498**

1 50.033 **(2t)** APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
2 has certified under s. 46.281 (3) that a resource center is available for the adult family
3 home and for specified groups of eligible individuals that include those persons
4 seeking admission to or the residents of the adult family home.

5 **SECTION 1499.** 50.034 (5m) of the statutes is created to read:

6 50.034 **(5m)** PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), a
7 residential care apartment complex shall, within the time period after inquiry by a
8 prospective resident that is prescribed by the department by rule, inform the
9 prospective resident of the services of a resource center under s. 46.283, the family
10 care benefit under s. 46.286 and the availability of a functional and financial screen
11 to determine the prospective resident's eligibility for the family care benefit under
12 s. 46.286 (1).

13 **SECTION 1500.** 50.034 (5n) of the statutes is created to read:

14 50.034 **(5n)** REQUIRED REFERRAL. Subject to sub. (5p), a residential care
15 apartment complex shall, within the time period prescribed by the department by
16 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
17 who is at least 65 years of age or has a physical disability and whose disability or
18 condition is expected to last at least 90 days, unless any of the following applies:

19 (a) The person has received a screen for functional eligibility under s. 46.286
20 (1) (a) within the previous 6 months.

21 (b) The person is entering the residential care apartment complex only for
22 respite care.

23 (c) The person is an enrollee of a care management organization.

24 **SECTION 1501.** 50.034 (5p) of the statutes is created to read:

SENATE BILL 45**SECTION 1501**

1 50.034 (5p) APPLICABILITY. Subsections (5m) and (5n) apply only if the secretary
2 has certified under s. 46.281 (3) that a resource center is available for the residential
3 care apartment complex and for specified groups of eligible individuals that include
4 those person seeking admission to or the residents of the residential care apartment
5 complex.

6 **SECTION 1502.** 50.034 (8) of the statutes is created to read:

7 50.034 (8) FORFEITURES. (a) Whoever violates sub. (5m) or (5n) or rules
8 promulgated under sub. (5m) or (5n) may be required to forfeit not more than \$500
9 for each violation.

10 (b) The department may directly assess forfeitures provided for under par. (a).
11 If the department determines that a forfeiture should be assessed for a particular
12 violation, it shall send a notice of assessment to the residential care apartment
13 complex. The notice shall specify the amount of the forfeiture assessed, the violation
14 and the statute or rule alleged to have been violated, and shall inform the residential
15 care apartment complex of the right to a hearing under par. (c).

16 (c) A residential care apartment complex may contest an assessment of a
17 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
18 request for a hearing under s. 227.44 to the division of hearings and appeals created
19 under s. 15.103 (1). The administrator of the division may designate a hearing
20 examiner to preside over the case and recommend a decision to the administrator
21 under s. 227.46. The decision of the administrator of the division shall be the final
22 administrative decision. The division shall commence the hearing within 30 days
23 after receipt of the request for a hearing and shall issue a final decision within 15
24 days after the close of the hearing. Proceedings before the division are governed by
25 ch. 227. In any petition for judicial review of a decision by the division, the party,

SENATE BILL 45**SECTION 1502**

1 other than the petitioner, who was in the proceeding before the division shall be the
2 named respondent.

3 (d) All forfeitures shall be paid to the department within 10 days after receipt
4 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days
5 after receipt of the final decision after exhaustion of administrative review, unless
6 the final decision is appealed and the order is stayed by court order. The department
7 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

8 (e) The attorney general may bring an action in the name of the state to collect
9 any forfeiture imposed under this section if the forfeiture has not been paid following
10 the exhaustion of all administrative and judicial reviews. The only issue to be
11 contested in any such action shall be whether the forfeiture has been paid.

12 **SECTION 1503.** 50.035 (4m) of the statutes is created to read:

13 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), a
14 community-based residential facility shall, within the time period after inquiry by
15 a prospective resident that is prescribed by the department by rule, inform the
16 prospective resident of the services of a resource center under s. 46.283, the family
17 care benefit under s. 46.286 and the availability of a functional and financial screen
18 to determine the prospective resident's eligibility for the family care benefit under
19 s. 46.286 (1).

20 **SECTION 1504.** 50.035 (4n) of the statutes is created to read:

21 50.035 (4n) REQUIRED REFERRAL. Subject to sub. (4p), a community-based
22 residential facility shall, within the time period prescribed by the department by
23 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
24 who is at least 65 years of age or has a physical disability and whose disability or
25 condition is expected to last at least 90 days, unless any of the following applies:

SENATE BILL 45**SECTION 1504**

1 (a) The person has received a screen for functional eligibility under s. 46.286

2 (1) (a) within the previous 6 months.

3 (b) The person is entering the community-based residential facility only for
4 respite care.

5 (c) The person is an enrollee of a care management organization.

6 **SECTION 1505.** 50.035 (4p) of the statutes is created to read:

7 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
8 has certified under s. 46.281 (3) that a resource center is available for the
9 community-based residential facility and for specified groups of eligible individuals
10 that include those persons seeking admission to or the residents of the
11 community-based residential facility.

12 **SECTION 1506.** 50.035 (7) (c) of the statutes is amended to read:

13 50.035 (7) (c) If the date estimated under par. (a) 2. is less than 24 months after
14 the date of the individual's statement of financial condition, the community-based
15 residential facility shall provide the statement to the county department under s.
16 46.215 or 46.22 and shall refer the potential resident to the county department to
17 determine whether an assessment under s. 46.27 (6) should be conducted.

18 **SECTION 1507.** 50.035 (8) of the statutes is repealed.

19 **SECTION 1508.** 50.035 (11) of the statutes is created to read:

20 50.035 (11) FORFEITURES. (a) Whoever violates sub. (4m) or (4n) or rules
21 promulgated under sub. (4m) or (4n) may be required to forfeit not more than \$500
22 for each violation.

23 (b) The department may directly assess forfeitures provided for under par. (a).
24 If the department determines that a forfeiture should be assessed for a particular
25 violation, it shall send a notice of assessment to the community-based residential

SENATE BILL 45**SECTION 1508**

1 facility. The notice shall specify the amount of the forfeiture assessed, the violation
2 and the statute or rule alleged to have been violated, and shall inform the licensee
3 of the right to a hearing under par. (c).

4 (c) A community-based residential facility may contest an assessment of a
5 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
6 request for a hearing under s. 227.44 to the division of hearings and appeals created
7 under s. 15.103 (1). The administrator of the division may designate a hearing
8 examiner to preside over the case and recommend a decision to the administrator
9 under s. 227.46. The decision of the administrator of the division shall be the final
10 administrative decision. The division shall commence the hearing within 30 days
11 after receipt of the request for a hearing and shall issue a final decision within 15
12 days after the close of the hearing. Proceedings before the division are governed by
13 ch. 227. In any petition for judicial review of a decision by the division, the party,
14 other than the petitioner, who was in the proceeding before the division shall be the
15 named respondent.

16 (d) All forfeitures shall be paid to the department within 10 days after receipt
17 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days
18 after receipt of the final decision after exhaustion of administrative review, unless
19 the final decision is appealed and the order is stayed by court order. The department
20 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

21 (e) The attorney general may bring an action in the name of the state to collect
22 any forfeiture imposed under this section if the forfeiture has not been paid following
23 the exhaustion of all administrative and judicial reviews. The only issue to be
24 contested in any such action shall be whether the forfeiture has been paid.

25 **SECTION 1509.** 50.037 (2) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 1509**

1 50.037 (2) (a) The biennial fee for a community-based residential facility is
2 \$170 ~~\$323~~, plus a biennial fee of \$22 ~~\$41.80~~ per resident, based on the number of
3 residents that the facility is licensed to serve.

4 **SECTION 1510.** 50.04 (2g) of the statutes is created to read:

5 50.04 (2g) PROVISION OF INFORMATION REQUIRED. (a) Subject to sub. (2i), a
6 nursing home shall, within the time period after inquiry by a prospective resident
7 that is prescribed by the department by rule, inform the prospective resident of the
8 services of a resource center under s. 46.283, the family care benefit under s. 46.286
9 and the availability of a functional and financial screen to determine the prospective
10 resident's eligibility for the family care benefit under s. 46.286 (1).

11 (b) Failure to comply with this subsection is a class "C" violation under sub. (4)

12 (b) 3.

13 **SECTION 1511.** 50.04 (2h) of the statutes is created to read:

14 50.04 (2h) REQUIRED REFERRAL. (a) Subject to sub. (2i), a nursing home shall,
15 within the time period prescribed by the department by rule, refer to a resource
16 center under s. 46.283 a person who is seeking admission, who is at least 65 years
17 of age or has developmental disability or physical disability and whose disability or
18 condition is expected to last at least 90 days, unless any of the following applies:

19 1. The person has received a screen for functional eligibility under s. 46.286 (1)

20 (a) within the previous 6 months.

21 2. The person is seeking admission to the nursing home only for respite care.

22 3. The person is an enrollee of a care management organization.

23 (b) Failure to comply with this subsection is a class "C" violation under sub. (4)

24 (b) 3.

25 **SECTION 1512.** 50.04 (2i) of the statutes is created to read:

SENATE BILL 45**SECTION 1512**

1 50.04 **(2i)** APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
2 has certified under s. 46.281 (3) that a resource center is available for the nursing
3 home and for specified groups of eligible individuals that include those persons
4 seeking admission to or the residents of the nursing home.

5 **SECTION 1513.** 50.04 (2m) of the statutes is renumbered 50.04 (2m) (a) and
6 amended to read:

7 50.04 **(2m)** (a) ~~No Except as provided in par. (b), no nursing home may admit~~
8 any patient until a physician has completed a plan of care for the patient and the
9 patient is assessed or the patient is exempt from or waives assessment under s. 46.27
10 (6) (a) ~~or 46.271 (2m) (a) 2.~~ Failure to comply with this subsection is a class "C"
11 violation under sub. (4) (b) 3.

12 **SECTION 1514.** 50.04 (2m) (b) of the statutes is created to read:

13 50.04 **(2m)** (b) Paragraph (a) does not apply to those residents for whom the
14 secretary has certified under s. 46.281 (3) that a resource center is available.

15 **SECTION 1515.** 50.06 (7) of the statutes is amended to read:

16 50.06 **(7)** (a) An individual who consents to an admission under this section
17 may request that an assessment be conducted for the incapacitated individual under
18 the long-term support community options program under s. 46.27 (6) or, if the
19 secretary has certified under s. 46.281 (3) that a resource center is available for the
20 individual, a functional and financial screen to determine eligibility for the family
21 care benefit under s. 46.286 (1).

22 **SECTION 1516.** 50.065 (2) (a) (intro.) of the statutes is amended to read:

23 50.065 **(2)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
24 sub. (5), if the department knows or should know any of the following, the
25 department may not license, certify, issue a certificate of approval to or register a

SENATE BILL 45**SECTION 1516**

1 person to operate an entity or continue the license, certification, certificate of
2 approval or registration of a person to operate an entity ~~if the department knows or~~
3 ~~should have known any of the following:~~

4 **SECTION 1517.** 50.065 (2) (ag) (intro.) of the statutes is amended to read:

5 50.065 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
6 sub. (5), if an entity knows or should know any of the following, the entity may not
7 hire or contract with a person who will be under the entity's control, as defined by
8 the department by rule, and who is expected to have access to its clients, or provide
9 to clients of the entity direct care that is more intensive than negligible care in
10 quantity or quality or in amount of time required to provide the care; or the entity
11 may not permit to reside at the entity a person who is not a client and who is expected
12 to have access to a client, ~~if the entity knows or should have known any of the~~
13 ~~following:~~

14 **SECTION 1518.** 50.065 (2) (ag) (intro.) of the statutes, as affected by 1997
15 Wisconsin Act 27, section 2059f, and 1999 Wisconsin Act ... (this act), is repealed and
16 recreated to read:

17 50.065 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
18 sub. (5), if an entity knows or should have known any of the following, the entity may
19 not employ or contract with a person who will be under the entity's control, as defined
20 by the department by rule, and who provides to clients of the entity, or is expected
21 to provide to them, direct care that is more intensive than negligible care in quantity
22 or quality or in the amount of time required to provide the care; or the entity may not
23 permit to reside at the entity a person who is not a client and who has, or is expected
24 to have, access to a client:

25 **SECTION 1519.** 50.065 (2) (b) 1. (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1519**

1 50.065 (2) (b) 1. (intro.) Subject to subds. 1. e. ~~and 2.~~ and par. (bd), every entity
2 shall obtain all of the following with respect to a person specified under par. (ag)
3 (intro.) who is an employe or contractor or a prospective employe or contractor of the
4 entity:

5 **SECTION 1520.** 50.065 (2) (b) 2. of the statutes is repealed.

6 **SECTION 1521.** 50.065 (6) (am) 1. of the statutes is amended to read:

7 50.065 (6) (am) 1. A person who is an employe, prospective employe, contractor
8 or prospective contractor of the entity, who will be under the entity's control and who
9 has, or is expected to have, access to its clients, other than a person specified in sub.
10 (2) (b) 2 provides to clients of the entity, or is expected to provide to them, direct care
11 that is more intensive than negligible care in quantity or quality or in the amount
12 of time required to provide the care.

13 **SECTION 1522.** 50.065 (8) of the statutes is amended to read:

14 50.065 (8) The department may charge a fee for obtaining the information
15 required under sub. (2) (am) or (3) (a). The fee or for providing information to an
16 entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b). The department
17 may also charge a fee to a person who requests to demonstrate to the department
18 under sub. (5) that he or she has been rehabilitated. Fees charged under this
19 subsection may not exceed the reasonable cost of obtaining the information. No fee
20 may be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
21 maintaining the information if to do so would be inconsistent with federal law.

22 **SECTION 1523.** 50.135 (1) of the statutes is amended to read:

23 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means
24 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
25 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,

SENATE BILL 45**SECTION 1523**

1 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
2 does not include community-based residential facilities.

3 **SECTION 1524.** 50.135 (2) (c) of the statutes is amended to read:

4 50.135 (2) (c) The fees collected under par. (a) shall be credited to the
5 appropriations under s. 20.435 ~~(1)~~ (4) (gm) and (6) (jm) as specified in those
6 appropriations for licensing, review and certifying activities.

7 **SECTION 1525.** 50.36 (2) (c) of the statutes is created to read:

8 50.36 (2) (c) The department shall promulgate rules that require that a
9 hospital, before discharging a patient who is aged 65 or older or who has
10 developmental disability or physical disability and whose disability or condition
11 requires long-term care that is expected to last at least 90 days, refer the patient to
12 the resource center under s. 46.283. The rules shall specify that this requirement
13 applies only if the secretary has certified under s. 46.281 (3) that a resource center
14 is available for the hospital and for specified groups of eligible individuals that
15 include persons seeking admission to or patients of the hospital.

16 **SECTION 1526.** 50.38 of the statutes is created to read:

17 **50.38 Forfeitures. (1)** Whoever violates rules promulgated under s. 50.36 (2)
18 (c) may be required to forfeit not more than \$500 for each violation.

19 **(2)** The department may directly assess forfeitures provided for under sub. (1).
20 If the department determines that a forfeiture should be assessed for a particular
21 violation, the department shall send a notice of assessment to the hospital. The
22 notice shall specify the amount of the forfeiture assessed, the violation and the
23 statute or rule alleged to have been violated, and shall inform the hospital of the right
24 to a hearing under sub. (3).

SENATE BILL 45**SECTION 1526**

1 **(3)** A hospital may contest an assessment of a forfeiture by sending, within 10
2 days after receipt of notice under sub. (2), a written request for a hearing under s.
3 227.44 to the division of hearings and appeals created under s. 15.103 (1). The
4 administrator of the division may designate a hearing examiner to preside over the
5 case and recommend a decision to the administrator under s. 227.46. The decision
6 of the administrator of the division shall be the final administrative decision. The
7 division shall commence the hearing within 30 days after receipt of the request for
8 a hearing and shall issue a final decision within 15 days after the close of the hearing.
9 Proceedings before the division are governed by ch. 227. In any petition for judicial
10 review of a decision by the division, the party, other than the petitioner, who was in
11 the proceeding before the division shall be the named respondent.

12 **(4)** All forfeitures shall be paid to the department within 10 days after receipt
13 of notice of assessment or, if the forfeiture is contested under sub. (3), within 10 days
14 after receipt of the final decision after exhaustion of administrative review, unless
15 the final decision is appealed and the order is stayed by court order. The department
16 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

17 **(5)** The attorney general may bring an action in the name of the state to collect
18 any forfeiture imposed under this section if the forfeiture has not been paid following
19 the exhaustion of all administrative and judicial reviews. The only issue to be
20 contested in any such action shall be whether the forfeiture has been paid.

21 **SECTION 1527.** 50.39 (2) of the statutes is amended to read:

22 **50.39 (2)** The use of the title “hospital” to represent or identify any facility
23 which does not meet the definition of a “hospital” as provided herein or is not subject
24 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
25 by ss. s. 51.09 and ~~252.073~~ are exempt.

SENATE BILL 45**SECTION 1528**

1 **SECTION 1528.** 50.39 (3) of the statutes is amended to read:

2 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
3 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
4 938.02 (15m), correctional institutions governed by the department of corrections
5 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
6 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
7 not abridge the rights of the medical examining board, physical therapists affiliated
8 credentialing board, podiatrists affiliated credentialing board, dentistry examining
9 board, pharmacy examining board, chiropractic examining board and board of
10 nursing in carrying out their statutory duties and responsibilities.

11 **SECTION 1529.** 50.49 (2) (b) of the statutes is amended to read:

12 50.49 (2) (b) The department shall, by rule, set a license fee to be paid by home
13 health agencies. ~~The fee shall be based on the annual net income, as determined by~~
14 ~~the department, of a home health agency.~~

15 **SECTION 1530.** 50.49 (4) of the statutes is amended to read:

16 50.49 (4) LICENSING, INSPECTION AND REGULATION. ~~The Except as provided in sub.~~
17 ~~(6m), the~~ department may register, license, inspect and regulate home health
18 agencies as provided in this section. The department shall ensure, in its inspections
19 of home health agencies, that a sampling of records from private pay patients are
20 reviewed. The department shall select the patients who shall receive home visits as
21 a part of the inspection. Results of the inspections shall be made available to the
22 public at each of the regional offices of the department.

23 **SECTION 1531.** 50.49 (6m) of the statutes is created to read:

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1 50.49 **(6m)** EXCEPTIONS. None of the following is required to be licensed as a
2 home health agency under sub. (4), regardless of whether any of the following
3 provides services that are similar to services provided by a home health agency:

4 (a) A care management organization, as defined in s. 46.2805 (1).

5 (b) A program specified in s. 46.2805 (1) (a).

6 (c) A demonstration program specified in s. 46.2805 (1) (b).

7 **SECTION 1532.** 51.01 (14k) of the statutes is created to read:

8 51.01 **(14k)** “Secured child caring institution” has the meaning given in s.
9 938.02 (15g).

10 **SECTION 1533.** 51.01 (14m) of the statutes is created to read:

11 51.01 **(14m)** “Secured correctional facility” has the meaning given in s. 938.02
12 (15m).

13 **SECTION 1534.** 51.01 (14p) of the statutes is created to read:

14 51.01 **(14p)** “Secured group home” has the meaning given in s. 938.02 (15p).

15 **SECTION 1535.** 51.03 (1) of the statutes is renumbered 51.03 (1r).

16 **SECTION 1536.** 51.03 (1g) of the statutes is created to read:

17 51.03 **(1g)** In this section:

18 (a) “Early intervention” means action to hinder or alter a person’s mental
19 disorder or abuse of alcohol or other drugs in order to reduce the duration of early
20 symptoms or to reduce the duration or severity of mental illness or alcohol or other
21 drug abuse that may result.

22 (b) “Individualized service planning” means a process under which a person
23 with mental illness or who abuses alcohol or other drugs and, if a child, his or her
24 family, receives information, education and skills to enable the person to participate
25 mutually and creatively with his or her mental health or alcohol or other drug abuse

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1 service provider in identifying his or her personal goals and developing his or her
2 assessment, crisis protocol, treatment and treatment plan. “Individualized service
3 planning” is tailored to the person and is based on his or her strengths, abilities and
4 needs.

5 (c) “Prevention” means action to reduce the instance, delay the onset or lessen
6 the severity of mental disorder, before the disorders may progress to mental illness,
7 by reducing risk factors for, enhancing protections against and promptly treating
8 early warning signs of mental disorder.

9 (d) “Recovery” means the process of a person’s growth and improvement,
10 despite a history of mental illness or alcohol or other drug abuse, in attitudes,
11 feelings, values, goals, skills and behavior and is measured by a decrease in
12 dysfunctional symptoms and an increase in maintaining the person’s highest level
13 of health, wellness, stability, self-determination and self-sufficiency.

14 (e) “Stigma” means disqualification from social acceptance, derogation,
15 marginalization and ostracism encountered by persons with mental illness or
16 persons who abuse alcohol or other drugs as the result of societal negative attitudes,
17 feelings, perceptions, representations and acts of discrimination.

18 **SECTION 1537.** 51.03 (4) of the statutes is created to read:

19 51.03 (4) Within the limits of available state and federal funds, the department
20 may do all of the following:

21 (a) Promote the creation of coalitions among the state, counties, providers of
22 mental health and alcohol and other drug abuse services, consumers of the services
23 and their families and advocates for persons with mental illness and for alcoholic and
24 drug dependent persons to develop, coordinate and provide a full range of resources
25 to advance prevention; early intervention; treatment; recovery; safe and affordable

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1 housing; opportunities for education, employment and recreation; family and peer
2 support; self-help; and the safety and well-being of communities.

3 (b) In cooperation with counties, providers of mental health and alcohol and
4 other drug abuse services, consumers of the services, interested community
5 members and advocates for persons with mental illness and for alcoholic and drug
6 dependent persons, develop and implement a comprehensive strategy to reduce
7 stigma of and discrimination against persons with mental illness, alcoholics and
8 drug dependent persons.

9 (c) Develop and implement a comprehensive strategy to involve counties,
10 providers of mental health and alcohol and other drug abuse services, consumers of
11 the services and their families, interested community members and advocates for
12 persons with mental illness and for alcoholic and drug dependent persons as equal
13 participants in service system planning and delivery.

14 (d) Promote responsible stewardship of human and fiscal resources in the
15 provision of mental health and alcohol and other drug abuse services.

16 (e) Develop and implement methods to identify and measure outcomes for
17 consumers of mental health and alcohol and other drug abuse services.

18 (f) Promote access to appropriate mental health and alcohol and other drug
19 abuse services regardless of a person's geographic location, age, degree of mental
20 illness, alcoholism or drug dependency or availability of personal financial resources.

21 (g) Promote consumer decision making to enable persons with mental illness
22 and alcohol or drug dependency to be more self-sufficient.

23 (h) Promote use by providers of mental health and alcohol and other drug abuse
24 services of individualized service planning, under which the providers develop
25 written individualized service plans that promote treatment and recovery, together

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1 with service consumers, families of service consumers who are children and
2 advocates chosen by consumers.

3 **SECTION 1538.** 51.03 (5) of the statutes is created to read:

4 51.03 (5) The department shall ensure that providers of mental health and
5 alcohol and other drug abuse services who use individualized service plans, as
6 specified in sub. (4) (h), do all of the following in using a plan:

7 (a) Establish meaningful and measurable goals for the consumer.

8 (b) Base the plan on a comprehensive assessment of the consumer's strengths,
9 abilities, needs and preferences.

10 (c) Keep the plan current.

11 (d) Modify the plan as necessary.

12 **SECTION 1539.** 51.05 (2) of the statutes is amended to read:

13 51.05 (2) The department may not accept for admission to a mental health
14 institute any resident person, except in an emergency, unless the county department
15 under s. 51.42 in the county where the person has legal residency authorizes the care,
16 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
17 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
18 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
19 juvenile secured correctional facility or, a secured child caring institution, as defined
20 in s. 938.02 (15g), or a secured group home to a state treatment facility under s. 51.35
21 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
22 subject to this section.

23 **SECTION 1540.** 51.06 (1) (d) of the statutes is amended to read:

24 51.06 (1) (d) ~~At the southern center for developmentally disabled, services~~
25 Services for up to ~~10~~ 36 individuals with developmental disability who are also

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1 diagnosed as mentally ill or who exhibit extremely aggressive and challenging
2 behaviors and at the northern center for developmentally disabled, services for up
3 to 12 such individuals.

4 **SECTION 1541.** 51.07 (3) of the statutes is amended to read:

5 51.07 (3) The department may provide outpatient services only to patients
6 contracted for with county departments under ss. 51.42 and 51.437 in accordance
7 with s. 46.03 (18), except for those patients whom the department finds to be
8 nonresidents of this state and ~~those patients specified in sub. (4) (a)~~ persons receiving
9 services under contracts under s. 46.043. The full and actual cost less applicable
10 collections of services contracted for with county departments under s. 51.42 or
11 51.437 shall be charged to the respective county department under s. 51.42 or 51.437.
12 The state shall provide the services required for patient care only if no outpatient
13 services are funded by the department in the county or group of counties served by
14 the respective county department under s. 51.42 or 51.437.

15 **SECTION 1542.** 51.07 (4) of the statutes is repealed.

16 **SECTION 1543.** 51.15 (1) (a) 5. c. of the statutes is repealed.

17 **SECTION 1544.** 51.15 (1) (c) 4. of the statutes is repealed.

18 **SECTION 1545.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

19 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
20 be drug dependent or developmentally disabled, after the advantages and
21 disadvantages of and alternatives to accepting a particular medication or treatment
22 have been explained to him or her and because of mental illness, evidences either
23 incapability of expressing an understanding of the advantages and disadvantages of
24 accepting medication or treatment and the alternatives, or substantial incapability
25 of applying an understanding of the advantages, disadvantages and alternatives to

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1 his or her mental illness in order to make an informed choice as to whether to accept
2 or refuse medication or treatment; and evidences a substantial probability, as
3 demonstrated by both the individual's treatment history and his or her recent acts
4 or omissions, that the individual needs care or treatment to prevent further
5 disability or deterioration and a substantial probability that he or she will, if left
6 untreated, lack services necessary for his or her health or safety and suffer severe
7 mental, emotional or physical harm that will result in the loss of the individual's
8 ability to function independently in the community or the loss of cognitive or
9 volitional control over his or her thoughts or actions. The probability of suffering
10 severe mental, emotional or physical harm is not substantial under this subd. 2. e.
11 if reasonable provision for the individual's care or treatment is available in the
12 community and there is a reasonable probability that the individual will avail
13 himself or herself of these services or if the individual is appropriate for protective
14 placement under s. 55.06. Food, shelter or other care that is provided to an individual
15 who is substantially incapable of obtaining food, shelter or other care for himself or
16 herself by any person other than a treatment facility does not constitute reasonable
17 provision for the individual's care or treatment in the community under this subd.
18 2. e. The individual's status as a minor does not automatically establish a substantial
19 probability of suffering severe mental, emotional or physical harm under this subd.
20 2.e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

21 **SECTION 1546.** 51.20 (1) (ad) 3. of the statutes is repealed.

22 **SECTION 1547.** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm)
23 and amended to read:

24 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
25 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437

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1 shall furnish to the court and the subject individual an initial recommended written
2 treatment plan that contains the goals of treatment, the type of treatment to be
3 provided and the expected providers. The treatment plan shall address the
4 individual's needs for inpatient care, residential services, community support
5 services, medication and its monitoring, case management, and other services to
6 enable the person to live in the community upon release from an inpatient facility.
7 The treatment plan shall contain information concerning the availability of the
8 needed services and community treatment providers' acceptance of the individual
9 into their programs. The treatment plan is only a recommendation and is not subject
10 to approval or disapproval by the court. Failure to furnish a treatment plan under
11 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition
12 unless the failure is made in bad faith.

13 **SECTION 1548.** 51.20 (10) (cm) 2. of the statutes is repealed.

14 **SECTION 1549.** 51.20 (13) (g) 1. of the statutes is amended to read:

15 51.20 (13) (g) 1. Except as provided in ~~subd. subs. 2., 2f. and 2g.,~~ the first order
16 of commitment of a subject individual under this section may be for a period not to
17 exceed 6 months, and all subsequent consecutive orders of commitment of the
18 individual may be for a period not to exceed one year.

19 **SECTION 1550.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

20 **SECTION 1551.** 51.20 (13) (g) 2f. of the statutes is created to read:

21 51.20 (13) (g) 2f. Any order of commitment of a subject individual under par.
22 (a) 4., following proof of the allegations under sub. (1) (ar), may be for a period not
23 to exceed one year.

24 **SECTION 1552.** 51.20 (13) (g) 2g. of the statutes is amended to read:

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1 51.20 (13) (g) 2g. The total period a person may be committed pursuant to
2 commitments ordered under par. (a) ~~4.~~ or 4m., following proof of the allegations
3 under sub. (1) ~~(a)~~ or (av), may not exceed 180 days in any 365-day period.

4 **SECTION 1553.** 51.20 (13) (g) 2m. of the statutes is amended to read:

5 51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., 2f. and 2g.,
6 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's
7 date of release on parole or extended supervision, as determined under s. 302.11 or
8 302.113, whichever is applicable.

9 **SECTION 1554.** 51.20 (13) (g) 2r. of the statutes is amended to read:

10 51.20 (13) (g) 2r. Twenty-one days prior to expiration of the period of
11 commitment under subd. 1., 2., 2f., 2g. or 2m., the department, if the individual is
12 committed to the department, or the county department to which an individual is
13 committed shall file an evaluation of the individual and the recommendation of the
14 department or county department regarding the individual's recommitment with the
15 committing court and provide a copy of the evaluation and recommendation to the
16 individual's counsel and the counsel designated under sub. (4). If the date for filing
17 an evaluation and recommendation under this subdivision falls on a Saturday,
18 Sunday or legal holiday, the date which is not a Saturday, Sunday or legal holiday
19 and which most closely precedes the evaluation and recommendation filing date
20 shall be the filing date. A failure of the department or the county department to
21 which an individual is committed to file an evaluation and recommendation under
22 this subdivision does not affect the jurisdiction of the court over a petition for
23 recommitment.

24 **SECTION 1555.** 51.35 (3) (title) of the statutes is amended to read:

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1 51.35 (3) (title) TRANSFER OF CERTAIN JUVENILES FROM ~~JUVENILE-CORRECTIONAL~~
2 ~~SECURED JUVENILE~~ FACILITIES AND ~~SECURED CHILD-CARING INSTITUTIONS~~.

3 **SECTION 1556.** 51.35 (3) (a) of the statutes is amended to read:

4 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
5 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
6 physician of the department of corrections, who has reason to believe that any
7 individual confined in the ~~facility or institution~~ secured correctional facility, secured
8 child caring institution or secured group home is, in his or her opinion, in need of
9 services for developmental disability, alcoholism or drug dependency or in need of
10 psychiatric services, and who has obtained voluntary consent to make a transfer for
11 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
12 ~~institution~~ secured correctional facility, secured child caring institution or secured
13 group home, stating the nature and basis of the belief and verifying the consent. In
14 the case of a minor age 14 and over, the minor and the minor's parent or guardian
15 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
16 a minor under the age of 14, only the minor's parent or guardian need consent. The
17 superintendent shall inform, orally and in writing, the minor and the minor's parent
18 or guardian, that transfer is being considered and shall inform them of the basis for
19 the request and their rights as provided in s. 51.13 (3). If the department of
20 corrections, upon review of a request for transfer, determines that transfer is
21 appropriate, that department shall immediately notify the department of health and
22 family services and, if the department of health and family services consents, the
23 department of corrections may immediately transfer the individual. The
24 department of ~~corrections~~ health and family services shall file a petition under s.

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1 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
2 county where the treatment facility is located.

3 **SECTION 1557.** 51.35 (3) (c) of the statutes is amended to read:

4 51.35 (3) (c) A licensed psychologist of a juvenile secured correctional facility
5 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
6 physician of the department of corrections, who has reason to believe that any
7 individual confined in the ~~facility or institution~~ secured correctional facility, secured
8 child caring institution or secured group home, in his or her opinion, is mentally ill,
9 drug dependent or developmentally disabled and is dangerous as described in s.
10 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
11 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
12 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
13 ~~institution~~ secured correctional facility, secured child caring institution or secured
14 group home, stating the nature and basis of the belief. If the superintendent, upon
15 review of the allegations in the report, determines that transfer is appropriate, he
16 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
17 exercise jurisdiction under chs. 48 and 938 of the county where the secured
18 correctional facility or, secured child caring institution or secured group home is
19 located. The court shall hold a hearing according to procedures provided in s. 51.20
20 or 51.45 (13).

21 **SECTION 1558.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Act
22 292, section 28, and 1999 Wisconsin Act (this act), is repealed and recreated to
23 read:

24 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
25 secured child caring institution or a licensed physician of the department of

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1 corrections, who has reason to believe that any individual confined in the secured
2 correctional facility, secured child caring institution or secured group home, in his
3 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
4 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
5 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
6 superintendent of the secured correctional facility, secured child caring institution
7 or secured group home, stating the nature and basis of the belief. If the
8 superintendent, upon review of the allegations in the report, determines that
9 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
10 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
11 secured correctional facility, secured child caring institution or secured group home
12 is located. The court shall hold a hearing according to procedures provided in s. 51.20
13 or 51.45 (13).

14 **SECTION 1559.** 51.35 (3) (e) of the statutes is amended to read:

15 51.35 (3) (e) The department of corrections may authorize emergency transfer
16 of an individual from a ~~juvenile~~ secured correctional facility ~~or~~, a secured child caring
17 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
18 facility if there is cause to believe that the individual is mentally ill, drug dependent
19 or developmentally disabled and exhibits conduct which constitutes a danger as
20 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
21 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
22 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
23 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
24 institution or secured group home shall execute a statement of emergency detention
25 or petition for emergency commitment for the individual and deliver it to the

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1 receiving state treatment facility. The department of health and family services
2 shall file the statement or petition with the court within 24 hours after the subject
3 individual is received for detention or commitment. The statement or petition shall
4 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
5 the director of the receiving facility may file a petition for continued commitment
6 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
7 ~~institution~~ secured correctional facility, secured child caring institution or secured
8 group home from which the transfer was made. As an alternative to this procedure,
9 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~
10 individual may be released without the approval of the court which directed
11 confinement in the secured correctional facility ~~or~~, secured child caring institution
12 or secured group home.

13 **SECTION 1560.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Act
14 292, section 28, and 1999 Wisconsin Act ... (this act), is repealed and recreated to
15 read:

16 51.35 (3) (e) The department of corrections may authorize emergency transfer
17 of an individual from a secured correctional facility, a secured child caring institution
18 or a secured group home to a state treatment facility if there is cause to believe that
19 the individual is mentally ill, drug dependent or developmentally disabled and
20 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
21 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
22 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
23 child caring institution or secured group home shall execute a statement of
24 emergency detention or petition for emergency commitment for the individual and
25 deliver it to the receiving state treatment facility. The department of health and

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1 family services shall file the statement or petition with the court within 24 hours
2 after the subject individual is received for detention or commitment. The statement
3 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
4 transfer is made, the director of the receiving facility may file a petition for continued
5 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
6 secured correctional facility, secured child caring institution or secured group home
7 from which the transfer was made. As an alternative to this procedure, the
8 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual
9 may be released without the approval of the court which directed confinement in the
10 secured correctional facility, secured child caring institution or secured group home.

11 **SECTION 1561.** 51.35 (3) (g) of the statutes is amended to read:

12 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
13 facility under par. (a) may request in writing a return to the juvenile secured
14 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
15 or secured group home. In the case of a minor under 14 years of age, the parent or
16 guardian may make the request. Upon receipt of a request for return from a minor
17 14 years of age or over, the director shall immediately notify the minor's parent or
18 guardian. The minor shall be returned to the juvenile secured correctional facility
19 or, secured child caring institution or secured group home within 48 hours after
20 submission of the request unless a petition or statement is filed for emergency
21 detention, emergency commitment, involuntary commitment or protective
22 placement.

23 **SECTION 1562.** 51.42 (3) (ar) 17. of the statutes is created to read:

24 51.42 (3) (ar) 17. If authorized under s. 46.283 (1) (a) 1., apply to the department
25 of health and family services to operate a resource center under s. 46.283 and, if the

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1 department contracts with the county under s. 46.283 (2), operate the resource
2 center.

3 **SECTION 1563.** 51.42 (3) (ar) 18. of the statutes is created to read:

4 51.42 (3) (ar) 18. If authorized under s. 46.284 (1) (a) 1., apply to the department
5 of health and family services to operate a care management organization under s.
6 46.284 and, if the department contracts with the county under s. 46.284 (2), operate
7 the care management organization and, if appropriate, place funds in a risk reserve.

8 **SECTION 1564.** 51.42 (3) (as) 3. of the statutes is amended to read:

9 51.42 (3) (as) 3. Care, services and supplies provided after December 31, 1973,
10 to any person who, on December 31, 1973, was in or under the supervision of a mental
11 health institute, or was receiving mental health services in a facility authorized by
12 s. 51.08 or 51.09, but was not admitted to a mental health institute by the
13 department of health and family services, shall be charged to the county department
14 of community programs which was responsible for such care and services at the place
15 where the patient resided when admitted to the institution. The department of
16 health and family services ~~shall~~ may bill county departments of community
17 programs for care provided at the mental health institutes at rates which reflects the
18 estimated per diem cost of specific levels of care, to be adjusted periodically by the
19 department of health and family services sets on a flexible basis, except that this
20 flexible rate structure shall cover the cost of operations of the mental health
21 institutes.

22 **SECTION 1565.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

23 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a
24 conditional release plan approved by a court for a person who is a county resident and
25 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised

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1 release plan approved by a court under s. 980.06 (2) ~~(e)~~ (cr) or 980.08 (5) (d). If the
2 county department provides treatment and services under this subdivision, the
3 department of health and family services shall, from the appropriation under s.
4 20.435 (2) (bj), pay the county department for the costs of the treatment and services.

5 **SECTION 1566.** 51.42 (3) (e) of the statutes is amended to read:

6 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
7 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
8 (3) (c) and 938.78 (2) (a), any subunit of a county department of community programs
9 acting under this section may exchange confidential information about a client,
10 without the informed consent of the client, with any other subunit of the same county
11 department of community programs, with a resource center, care management
12 organization or family care district, or with any person providing services to the
13 client under a purchase of services contract with the county department of
14 community programs or with a resource center, care management organization or
15 family care district, if necessary to enable an employe or service provider to perform
16 his or her duties, or to enable the county department of community programs to
17 coordinate the delivery of services to the client.

18 **SECTION 1567.** 51.423 (1) of the statutes is amended to read:

19 51.423 (1) The department shall fund, within the limits of the department's
20 allocation for mental health services under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and
21 (o) and subject to this section, services for mental illness, developmental disability,
22 alcoholism and drug abuse to meet standards of service quality and accessibility. The
23 department's primary responsibility is to guarantee that county departments
24 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum
25 level of funding and its secondary responsibility is to fund programs which meet

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1 exceptional community needs or provide specialized or innovative services. Moneys
2 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental
3 health services under s. 20.435 (7) (o) shall be allocated by the department to county
4 departments under s. 51.42 or 51.437 in the manner set forth in this section.

5 **SECTION 1568.** 51.423 (2) of the statutes is amended to read:

6 51.423 (2) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz)
7 and (o), the department shall distribute the funding for services provided or
8 purchased by county departments under s. 46.23, 51.42 or 51.437 to such county
9 departments as provided under s. 46.40. County matching funds are required for the
10 distributions under s. 46.40 (2) and (9) (b). Each county's required match for the
11 distributions under s. 46.40 (2) for a year equals 9.89% of the total of the county's
12 distributions under s. 46.40 (2) for that year for which matching funds are required
13 plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for
14 juvenile delinquency-related services from its distribution for 1987. Each county's
15 required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of
16 that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching
17 funds may be from county tax levies, federal and state revenue sharing funds or
18 private donations to the counties that meet the requirements specified in sub. (5).
19 Private donations may not exceed 25% of the total county match. If the county match
20 is less than the amount required to generate the full amount of state and federal
21 funds distributed for this period, the decrease in the amount of state and federal
22 funds equals the difference between the required and the actual amount of county
23 matching funds.

24 **SECTION 1569.** 51.423 (2m) of the statutes is created to read:

SENATE BILL 45**SECTION 1569**

1 51.423 **(2m)** The department shall pay any performance-based distribution
2 under s. 46.40 (2) earned by a county department under s. 46.23, 51.42 or 51.437 by
3 December 31 of the year after the year in which the performance-based distribution
4 was earned. The county department may expend that distribution for any purpose
5 specified in s. 20.435 (7) (b).

6 **SECTION 1570.** 51.437 (4m) (n) of the statutes is created to read:

7 51.437 **(4m)** (n) If authorized under s. 46.283 (1) (a) 1., apply to the department
8 of health and family services to operate a resource center under s. 46.283 and, if the
9 department contracts with the county under s. 46.283 (2), operate the resource
10 center.

11 **SECTION 1571.** 51.437 (4m) (p) of the statutes is created to read:

12 51.437 **(4m)** (p) If authorized under s. 46.284 (1) (a) 1., apply to the department
13 of health and family services to operate a care management organization under s.
14 46.284 and, if the department contracts with the county under s. 46.284 (2), operate
15 the care management organization and, if appropriate, place funds in a risk reserve.

16 **SECTION 1572.** 51.437 (4r) (b) of the statutes is amended to read:

17 51.437 **(4r)** (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
18 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
19 any subunit of the county department of developmental disabilities services acting
20 under this section may exchange confidential information about a client, without the
21 informed consent of the client, with any other subunit of the same county department
22 of developmental disabilities services, with a resource center, care management
23 organization or family care district, or with any person providing services to the
24 client under a purchase of services contract with the county department of
25 developmental disabilities services or with a resource center, care management

SENATE BILL 45**SECTION 1572**

1 organization or family care district, if necessary to enable an employe or service
2 provider to perform his or her duties, or to enable the county department of
3 developmental disabilities services to coordinate the delivery of services to the client.

4 **SECTION 1573.** 51.45 (5) of the statutes is repealed.

5 **SECTION 1574.** 51.61 (1) (g) 3m. of the statutes is amended to read:

6 51.61 (1) (g) 3m. Following a final commitment order for a subject individual
7 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the
8 court shall issue an order permitting medication or treatment to be administered to
9 the individual regardless of his or her consent. ~~This subdivision does not apply after~~
10 ~~November 30, 2001.~~

11 **SECTION 1575.** 58.06 of the statutes is repealed.

12 **SECTION 1576.** 59.25 (3) (f) 2. of the statutes is amended to read:

13 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
14 deposited in the state treasury, the amounts required by s. ~~165.87~~ 757.05 for the
15 penalty assessment surcharge, the amounts required by s. 165.755 for the crime
16 laboratories and drug law enforcement assessment, the amounts required by s.
17 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
18 crime victim and witness assistance surcharge, the amounts required by s. 938.34
19 (8d) for the delinquency victim and witness assistance surcharge, the amounts
20 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
21 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
22 amounts required by s. 100.261 for the consumer information assessment, the
23 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
24 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
25 enforcement assessment under the supplemental food program for women, infants

SENATE BILL 45**SECTION 1576**

1 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
2 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
3 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
4 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
5 environmental assessment, the amounts required by s. 29.983 for the wild animal
6 protection assessment, the amounts required by s. 29.987 for the natural resources
7 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
8 removal assessment, the amounts required by s. 350.115 for the snowmobile
9 registration restitution payment and the amounts required by s. 29.989 for natural
10 resources restitution payments, transmit to the state treasurer a statement of all
11 moneys required by law to be paid on the actions entered during the preceding month
12 on or before the first day of the next succeeding month, certified by the county
13 treasurer's personal signature affixed or attached thereto, and at the same time pay
14 to the state treasurer the amount thereof.

15 **SECTION 1577.** 59.40 (2) (m) of the statutes is amended to read:

16 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
17 percentage of the fees required to be paid on each civil action, criminal action and
18 special proceeding filed during the preceding month and pay monthly to the
19 treasurer for the use of the state the percentage of court imposed fines and forfeitures
20 required by law to be deposited in the state treasury, the amounts required by s.
21 ~~165.87 (2) (b)~~ 757.05 for the penalty assessment surcharge, the amounts required by
22 s. 165.755 for the crime laboratories and drug law enforcement assessment, the
23 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
24 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
25 required by s. 938.34 (8d) for the delinquency victim and witness assistance

SENATE BILL 45**SECTION 1577**

1 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
2 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
3 improvement surcharge, the amounts required by s. 100.261 for the consumer
4 information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required
5 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
6 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
7 program for women, infants and children, the amounts required by ss. 346.177,
8 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
9 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
10 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
11 required by s. 299.93 for the environmental assessment, the amounts required under
12 s. 29.983 for the wild animal protection assessment, the amounts required under s.
13 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
14 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
15 350.115 for the snowmobile registration restitution payment and the amounts
16 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
17 payments shall be made by the 15th day of the month following receipt thereof.

18 **SECTION 1578.** 59.69 (3) (a) of the statutes is amended to read:

19 59.69 (3) (a) The county zoning agency shall direct the preparation of a county
20 development plan or parts thereof for the physical development of the
21 unincorporated territory within the county and areas within incorporated
22 jurisdictions whose governing bodies by resolution agree to having their areas
23 included in the county's development plan. The plan may be adopted in whole or in
24 part and may be amended by the board and endorsed by the governing bodies of
25 incorporated jurisdictions included in the plan. The county development plan, in

SENATE BILL 45**SECTION 1578**

1 whole or in part, in its original form or as amended, is hereafter referred to as the
2 development plan. The development plan shall contain at least the elements
3 described in s. 66.0295.

4 **SECTION 1579.** 59.69 (3) (b) of the statutes is repealed and recreated to read:

5 59.69 (3) (b) The development plan shall include the master plan, if any, of any
6 city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any,
7 of such city or village, which was adopted under s. 62.23 (6) in the county, without
8 change.

9 **SECTION 1580.** 59.692 (6m) of the statutes is created to read:

10 59.692 (6m) For an amendment to an ordinance enacted under this section that
11 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
12 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
13 amendment, to determine whether the ordinance, as amended, fails to meet the
14 shoreland zoning standards.

15 **SECTION 1581.** 59.70 (1) of the statutes is amended to read:

16 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
17 sanitary codes, make necessary rules and regulations in relation thereto and provide
18 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
19 codes, rules and regulations do not apply within municipalities which have enacted
20 ordinances or codes concerning the same subject matter. "Sanitary code" does not
21 include a private small sewage system ordinance enacted under sub. (5). "Building
22 and sanitary codes" does not include well code ordinances enacted under sub. (6).

23 **SECTION 1582.** 59.70 (5) of the statutes is amended to read:

24 59.70 (5) PRIVATE SMALL SEWAGE SYSTEM ORDINANCE. (a) Every governmental
25 unit responsible for the regulation of private small sewage systems, as defined under

SENATE BILL 45**SECTION 1582**

1 s. 145.01 (5), shall enact an ordinance governing ~~private~~ small sewage systems, as
2 defined in s. 145.01 ~~(12)~~ (14m), which conforms with the state plumbing code. The
3 ordinance shall apply to the entire area of the governmental unit responsible for the
4 regulation of ~~private~~ small sewage systems, as defined under s. 145.01 (5). After
5 July 1, 1980, no municipality may enact or enforce a ~~private~~ small sewage system
6 ordinance unless it is a governmental unit responsible for the regulation of ~~private~~
7 small sewage systems, as defined under s. 145.01 (5).

8 (b) The governmental unit responsible for the regulation of ~~private~~ small
9 sewage systems, as defined under s. 145.01 (5), shall administer the ~~private~~ small
10 sewage system ordinance under s. 145.20 and the rules promulgated under s. 145.20.

11 **SECTION 1583.** 60.70 (5) of the statutes is amended to read:

12 60.70 (5) “Private sewage system” ~~has the meaning given under s. 145.01 (12)~~
13 means a sewage treatment and disposal system serving a single structure with a
14 septic tank and soil absorption field located on the same parcel as the structure. This
15 term also means an alternative sewage system approved by the department of
16 commerce including a substitute for the septic tank or soil absorption field, a holding
17 tank, a system serving more than one structure or a system located on a different
18 parcel than the structure. A private sewage system may be owned by the property
19 owner or by a special purpose district.

20 **SECTION 1584.** 60.70 (6m) of the statutes is created to read:

21 60.70 (6m) “Small sewage system” has the meaning given in s. 145.01 (14m).

22 **SECTION 1585.** 60.726 (2) of the statutes is amended to read:

23 60.726 (2) If a property owner installed on his or her property a private sewage
24 system, ~~as defined in s. 145.01 (12)~~, that conforms with the state plumbing code,
25 before a town sanitary district that encompasses that property came into existence,

SENATE BILL 45**SECTION 1585**

1 that property shall be included in the town sanitary district. If the private sewage
2 system was installed on or after 10 years before May 14, 1992, and if the property
3 owner provides the town sanitary district with any information about the cost of the
4 private sewage system required by the district, the town sanitary district, when the
5 district issues any assessment or charges or imposes property taxes to construct a
6 sewage service system, shall pay or credit the property owner an amount equal to
7 10% of the cost of the private sewage system, less any grants or aids received by the
8 property owner for construction of the private sewage system, multiplied by the
9 number of years of remaining life of the private sewage system. The number of years
10 of remaining life of the private sewage system is equal to 10 minus the number of
11 years that the private sewage system has been in operation.

12 **SECTION 1586.** 60.77 (5) (b) of the statutes is amended to read:

13 60.77 (5) (b) Require the installation of private small sewage systems.

14 **SECTION 1587.** 60.77 (5) (bm) of the statutes is amended to read:

15 60.77 (5) (bm) Require the inspection of private small sewage systems that
16 have been already installed to determine compliance with the state plumbing code
17 and may report violations of the state plumbing code to the governmental unit
18 responsible for the regulation of private small sewage systems for enforcement under
19 s. 145.20.

20 **SECTION 1588.** 60.77 (5) (bs) of the statutes is amended to read:

21 60.77 (5) (bs) Provide direct financial assistance for costs related to the
22 replacement of private small sewage systems, as defined in s. 145.01 ~~(12)~~ (14m), that
23 are failing.

24 **SECTION 1589.** 60.77 (5) (j) of the statutes is amended to read:

SENATE BILL 45**SECTION 1589**

1 60.77 (5) (j) Administer the ~~private~~ small sewage system program if authorized
2 under s. 145.20 (1) (am).

3 **SECTION 1590.** 62.23 (2) of the statutes is amended to read:

4 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
5 make and adopt a master plan for the physical development of the city, including any
6 areas outside of its boundaries which in the commission's judgment bear relation to
7 the development of the city provided, however, that in any county where a regional
8 planning department has been established, areas outside the boundaries of a city
9 may not be included in the master plan without the consent of the county board of
10 supervisors. The master plan, with the accompanying maps, plats, charts and
11 descriptive and explanatory matter, shall show the commission's recommendations
12 for such physical development, and ~~may include, among other things without~~
13 ~~limitation because of enumeration, the general location, character and extent of~~
14 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
15 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
16 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~
17 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
18 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
19 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
20 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
21 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
22 ~~general location, character and extent of community centers and neighborhood~~
23 ~~units, the general character, extent and layout of the replanning of blighted districts~~
24 ~~and slum areas, and a comprehensive zoning plan shall contain at least the elements~~
25 described in s. 66.0295. The commission may from time to time amend, extend or add

SENATE BILL 45**SECTION 1590**

1 to the master plan or carry any part or subject matter into greater detail. The
2 commission may adopt rules for the transaction of business and shall keep a record
3 of its resolutions, transactions, findings and determinations, which record shall be
4 a public record.

5 **SECTION 1591.** 62.23 (3) (b) of the statutes is amended to read:

6 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
7 resolution, or, as the work of making the whole master plan progresses, may from
8 time to time by resolution adopt a part or parts thereof, any such part to correspond
9 ~~generally with one or more of the functional subdivisions of the subject matter of the~~
10 ~~plan elements specified in s. 66.0295.~~ The adoption of the plan or any part,
11 amendment or addition, shall be by resolution carried by the affirmative votes of not
12 less than a majority of all the members of the city plan commission. The resolution
13 shall refer expressly to the ~~maps, descriptive matter,~~ elements under s. 66.0295 and
14 other matters intended by the commission to form the whole or any part of the plan,
15 and the action taken shall be recorded on the adopted plan or part thereof by the
16 identifying signature of the secretary of the commission, and a copy of the plan or
17 part thereof shall be certified to the common council. The purpose and effect of the
18 adoption and certifying of the master plan or part thereof shall be solely to aid the
19 city plan commission and the council in the performance of their duties.

20 **SECTION 1592.** 62.231 (6m) of the statutes is created to read:

21 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
22 ordinance enacted under this section that affects an activity that meets all of the
23 requirements under s. 281.165 (1) to (5), the department of natural resources may
24 not proceed under sub. (6), or otherwise review the amendment, to determine
25 whether the ordinance, as amended, fails to meet reasonable minimum standards.

SENATE BILL 45**SECTION 1593**

1 **SECTION 1593.** 66.014 (8) (b) of the statutes is amended to read:

2 66.014 (8) (b) On the basis of the hearing the circuit court shall find if the
3 standards under s. 66.015 are met. If the court finds that the standards are not met,
4 the court shall dismiss the petition. If the court finds that the standards are met the
5 court shall refer the petition to the department and ~~thereupon~~ the department shall
6 determine whether ~~or not~~ the standards under s. 66.016 are met, except that if the
7 incorporation is part of a cooperative boundary agreement under s. 66.023, the
8 department is not required to determine whether the standards under s. 66.016 are
9 met.

10 **SECTION 1594.** 66.015 (intro.) of the statutes is amended to read:

11 **66.015 Standards to be applied by the circuit court.** (intro.) Before
12 referring the incorporation petition as provided in s. 66.014 (2) to the department,
13 the court shall determine whether the petition meets the formal and signature
14 requirements and shall further find, except as provided in sub. (6), that the following
15 minimum requirements are met:

16 **SECTION 1595.** 66.015 (5) of the statutes is amended to read:

17 66.015 (5) STANDARDS WHEN NEAR FIRST, SECOND OR THIRD CLASS CITY. Where the
18 proposed boundary of a metropolitan village or city is within 10 miles of the boundary
19 of a city of the first class or 5 miles of a city of the second or third class, the minimum
20 area requirements shall be ~~4~~ 3 and 6 square miles for villages and cities,
21 respectively.

22 **SECTION 1596.** 66.015 (6) of the statutes is created to read:

23 66.015 (6) INCORPORATION AS PART OF COOPERATIVE PLAN. If an incorporation is
24 part of a cooperative plan under s. 66.023, the court may not consider whether any
25 of the requirements under subs. (1) to (5) are met.

SENATE BILL 45**SECTION 1597**

1 **SECTION 1597.** 66.021 (7) (d) of the statutes is amended to read:

2 66.021 (7) (d) The annexation shall be effective ~~upon enactment of~~ when the
3 annexation ordinance is recorded by the clerk with the register of deeds as provided
4 in sub. (8) (a). The board of school directors in any city of the first class shall not be
5 required to administer the schools in any territory annexed to any such city until
6 July 1 following such annexation.

7 **SECTION 1598.** 66.021 (8) (a) of the statutes is amended to read:

8 66.021 (8) (a) The clerk of a city or village which has annexed territory shall
9 file immediately with the secretary of state a certified copy of the ordinance,
10 certificate and plat, and shall send one copy of the ordinance, certificate and plat to
11 each company that provides any utility service in the area that is annexed. The clerk
12 shall also record the ordinance with the register of deeds and file a signed copy of the
13 ordinance with the clerk of any affected school district. ~~Failure to file, record or send~~
14 ~~shall not invalidate the annexation and the duty to file, record or send shall be a~~
15 ~~continuing one.~~ The ordinance that is filed, recorded or sent shall describe the
16 annexed territory and the associated population. The information filed with the
17 secretary of state shall be utilized in making recommendations for adjustments to
18 entitlements under the federal revenue sharing program and distribution of funds
19 under ch. 79. The clerk shall certify annually to the secretary of state and record with
20 the register of deeds a legal description of the total boundaries of the municipality
21 as those boundaries existed on December 1, unless there has been no change in the
22 12 months preceding.

23 **SECTION 1599.** 66.021 (11) (a) of the statutes is amended to read:

24 66.021 (11) (a) *Annexations within populous counties.* No annexation
25 proceeding within a county having a population of 50,000 or more shall be valid

SENATE BILL 45**SECTION 1599**

1 unless the person causing a notice of annexation to be published under sub. (3) shall
2 within 5 days of the publication mail a copy of the notice, legal description and a scale
3 map of the proposed annexation to the clerk of each municipality affected and the
4 department of administration, except that if the department of administration
5 determines within 5 days of receipt of the documents that the legal description or
6 scale map is illegible, contains errors that prevent the department from ascertaining
7 the territory that is proposed to be annexed or do not conform to generally accepted
8 standards for the preparation of legal descriptions and scale maps the department
9 may refuse acceptance of the documents and the annexation process may not
10 continue. If the refused documents are resubmitted by the proposed annexing city
11 or village to the department of administration not later than 10 days after they have
12 been returned and the department determines that they are legible, accurate and
13 conform to generally accepted standards for the preparation of legal descriptions and
14 scale maps the annexation shall proceed. The department may within ~~20~~ 60 days
15 after receipt of the notice mail to the clerk of the town within which the territory lies
16 and to the clerk of the proposed annexing village or city a notice that in its opinion
17 the annexation is against the public interest. No later than 10 days after mailing the
18 notice, the department shall advise the clerk of the town in which the territory is
19 located and the clerk of the village or city to which the annexation is proposed of the
20 reasons the annexation is against the public interest as defined in par. (c). The
21 annexing municipality shall review the advice before final action is taken.

22 **SECTION 1600.** 66.023 (title) of the statutes is amended to read:

23 **66.023 (title) Boundary change pursuant to approved cooperative**
24 **plan; incorporation of certain towns.**

25 **SECTION 1601.** 66.023 (2) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1601**

1 66.023 (2) BOUNDARY CHANGE AUTHORITY. (intro.) Any combination of
2 municipalities may determine the boundary lines between themselves under a
3 cooperative plan that is approved by the department under this section. The
4 cooperative plan may also include the incorporation of all or part of a town into a city
5 or village, as described in sub. (4) (am). No boundary of a municipality may be
6 changed or maintained under this section unless the municipality is a party to the
7 cooperative agreement. The cooperative plan shall provide one or more of the
8 following:

9 **SECTION 1602.** 66.023 (2) (e) of the statutes is created to read:

10 66.023 (2) (e) The date on which all or part of a town that is a party to the plan
11 is to become incorporated as a city or village and the boundary of the new city or
12 village if it does not include all of the territory of the town from which it was
13 incorporated.

14 **SECTION 1603.** 66.023 (4) (am) of the statutes is created to read:

15 66.023 (4) (am) *Procedure if cooperative plan includes an incorporation.* 1. For
16 a proposed plan to include an incorporation, the steps contained in ss. 66.014 (1) to
17 (4) and (8) and 66.015 shall be concluded before the start of the hearing under par.
18 (b).

19 2. If the steps described in subd. 1 are concluded before the start of the hearing
20 and if the final cooperative plan is submitted to the department for review under sub.
21 (5), the department shall, as part of its review, consider the effect of the proposed
22 incorporation on the remainder of the town, if any, and on the other parties to the
23 plan.

24 3. The final cooperative plan shall also contain a contingency cooperative plan
25 that will take the place of the final cooperative plan in the event that the proposed

SENATE BILL 45**SECTION 1603**

1 incorporation that is part of the final cooperative plan is defeated in the referendum
2 that is described under subd. 4.

3 4. If the department approves a final cooperative plan under sub. (5) that
4 contains an incorporation of all or part of a town, the incorporation may not take
5 effect until it is approved in a referendum that shall be held under s. 66.018. If the
6 majority of votes cast in the referendum is against the incorporation, the contingent
7 cooperative plan shall take the place of the final cooperative plan.

8 **SECTION 1604.** 66.023 (5) (c) 7. of the statutes is created to read:

9 66.023 (5) (c) 7. If the cooperative plan contains a proposed incorporation, the
10 incorporation is in the public interest. In determining whether the incorporation is
11 in the public interest, the department may apply the standards under s. 66.016.

12 **SECTION 1605.** 66.023 (7m) of the statutes is amended to read:

13 66.023 (7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan
14 with a city or village, the town and city or village may agree, as part of the cooperative
15 plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61,
16 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The
17 exercise of zoning authority by a town under this subsection is not subject to s. 60.61
18 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered
19 by the plan, that ordinance and amendments to it continue until a zoning ordinance
20 is adopted under this subsection. If a zoning ordinance is adopted under this
21 subsection, that zoning ordinance continues in effect after the planning period ceases
22 until a different zoning ordinance for the territory is adopted under other applicable
23 law. This subsection does not affect zoning ordinances adopted under ss. 59.692,
24 87.30 or ~~91.71 to 91.78~~ 91.73 to 91.77.

25 **SECTION 1606.** 66.0295 of the statutes is created to read:

SENATE BILL 45**SECTION 1606**

1 **66.0295 Comprehensive planning. (1) DEFINITIONS.** In this section:

2 (a) “Comprehensive plan” means:

3 1. For a county, a development plan that is prepared or amended under s. 59.69
4 (2) or (3).

5 2. For a city or a village, or for a town that exercises village powers under s.
6 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

7 3. For a regional planning commission, a master plan that is adopted or
8 amended under s. 66.945 (8), (9) or (10).

9 (b) “Local governmental unit” means a city, village, town, county or regional
10 planning commission that may adopt, prepare or amend a comprehensive plan.

11 **(2) CONTENTS OF A COMPREHENSIVE PLAN.** A comprehensive plan shall contain
12 all of the following elements:

13 (a) *Issues and opportunities element.* Background information on the local
14 governmental unit and a statement of objectives, policies, goals and programs of the
15 local governmental unit to guide the future growth and development of the local
16 governmental unit over a 20-year planning period. Background information shall
17 include population, household and employment forecasts that the local
18 governmental unit uses in developing its plan, and demographic trends, age
19 distribution, educational levels, income levels and employment characteristics that
20 exist within the local governmental unit. The statement may also include similar
21 elements related to federal and state programs and background information on
22 nearby local governmental units that affect the local governmental unit.

23 (b) *Housing element.* A statement of objectives, policies, goals and programs
24 of the local governmental unit to provide an adequate housing supply that meets
25 existing and forecasted housing demand in the local governmental unit and in

SENATE BILL 45**SECTION 1606**

1 nearby local governmental units. The statement shall contain a map and shall
2 assess the age, structural, value and occupancy characteristics of the local
3 governmental unit's housing stock. The statement shall also identify specific policies
4 and programs that promote the development of housing for residents of the local
5 governmental unit with all income levels and with various needs, and policies and
6 programs to maintain or rehabilitate the local governmental unit's existing housing
7 stock.

8 (c) *Transportation element.* A map and a statement of objectives, policies, goals
9 and programs to guide the future development of transportation infrastructure and
10 various modes of transportation, including public transportation, transportation
11 systems for persons with disabilities, bicycles, walking, railroads, air transportation,
12 trucking and water transportation. The statement shall compare the local
13 governmental unit's objectives, policies, goals and programs to state and regional
14 transportation plans. The statement shall also identify highways and streets within
15 the local governmental unit by type and applicable transportation plans, including
16 transportation corridor plans, county highway functional and jurisdictional studies,
17 urban area and rural area transportation plans, airport master plans and rail plans
18 that apply in the local governmental unit.

19 (d) *Utilities and community facilities element.* A map and a statement of
20 objectives, policies, goals and programs to guide the future development of utilities
21 and community facilities in the local governmental unit such as sanitary sewer
22 service, stormwater management, water supply, solid waste disposal, on-site
23 wastewater treatment technologies, recycling facilities, parks, telecommunications
24 facilities, power-generating plants and transmission lines, cemeteries, health care
25 facilities, child care facilities and other public facilities, such as police, fire and rescue

SENATE BILL 45**SECTION 1606**

1 facilities, libraries, schools and other governmental facilities. The statement shall
2 describe the use and capacity of existing public utilities and community facilities
3 that serve the local governmental unit, shall include an approximate timetable that
4 forecasts the need in the local governmental unit to expand or rehabilitate existing
5 utilities and facilities or to create new utilities and facilities and shall assess future
6 needs for government services in the local governmental unit that are related to such
7 utilities and facilities.

8 (e) *Agricultural, natural and cultural resources element.* A map and a
9 statement of objectives, policies, goals and programs for the conservation, and
10 promotion of the effective management, of natural resources such as groundwater,
11 forests, productive agricultural areas, environmentally sensitive areas, threatened
12 and endangered species, stream corridors, surface water, floodplains, wetlands,
13 wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces,
14 historic and cultural resources, aesthetic resources, recreational resources and other
15 natural resources.

16 (f) *Economic development element.* A map and a statement of objectives,
17 policies, goals and programs to promote the stabilization, retention or expansion, of
18 the economic base and quality employment opportunities in the local governmental
19 unit, including an analysis of the labor force and economic base of the local
20 governmental unit. The statement shall assess categories or particular types of new
21 businesses and industries that are desired by the local governmental unit. The
22 statement shall assess the local governmental unit's strengths and weaknesses with
23 respect to attracting and retaining businesses and industries, and shall designate an
24 adequate number of sites for such businesses and industries. The statement shall
25 also evaluate, and promote the use of environmentally contaminated sites for

SENATE BILL 45**SECTION 1606**

1 commercial or industrial uses. The statement shall also identify county, regional and
2 state economic development programs that apply to the local governmental unit.

3 (g) *Intergovernmental cooperation element.* A map and a statement of
4 objectives, policies, goals and programs for joint planning and decision making with
5 other jurisdictions, including school districts and adjacent local governmental units,
6 for siting and building public facilities and sharing public services. The statement
7 shall analyze the relationship of the local governmental unit to school districts and
8 adjacent local governmental units, and to the region, the state and other
9 governmental units. The statement shall incorporate any plans or agreements to
10 which the local governmental unit is a party under s. 66.023, 66.30 or 66.945. The
11 statement shall identify existing or potential conflicts between the local
12 governmental unit and other governmental units that are specified in this
13 paragraph and describe processes to resolve such conflicts.

14 (h) *Land-use element.* A map and a statement of objectives, policies, goals and
15 programs to guide the future development and redevelopment of public and private
16 property. The statement shall contain a listing of the amount, type, intensity and net
17 density of existing uses of land in the local governmental unit, such as agricultural,
18 residential, commercial, industrial and other public and private uses. The statement
19 shall analyze trends in the supply, demand and price of land, opportunities for
20 redevelopment and existing and potential land-use conflicts. The statement shall
21 contain projections, based on the background information specified in par. (a), for 20
22 years with detailed maps, in 5-year increments, of future residential, agricultural,
23 commercial and industrial land uses including the assumptions of net densities or
24 other spatial assumptions upon which the projections are based. The statement
25 shall also include a series of maps that shows current land uses and future land uses

SENATE BILL 45**SECTION 1606**

1 that indicate productive agricultural soils, natural limitations for building site
2 development, floodplains, wetlands and other environmentally sensitive lands, the
3 boundaries of areas to which services of public utilities and community facilities, as
4 those terms are used in par. (d), will be provided in the future, consistent with the
5 timetable described in par. (d), and the general location of future land uses by net
6 density or other classifications.

7 (i) *Implementation element.* A statement of programs and specific actions to
8 be completed in a stated sequence, including proposed changes to any applicable
9 zoning ordinances, official maps, sign regulations, erosion and stormwater control
10 ordinances, historic preservation ordinances, site plan regulations, design review
11 ordinances, building codes, mechanical codes, housing codes, sanitary codes or
12 subdivision ordinances, to implement the objectives, policies, plans and programs
13 contained in pars. (a) to (h). The statement shall describe how each of the elements
14 of the comprehensive plan will be integrated and made consistent with the other
15 elements of the comprehensive plan, and shall include a mechanism to measure the
16 local governmental unit's progress toward achieving all aspects of the
17 comprehensive plan. The statement shall include a process for updating the
18 comprehensive plan. A comprehensive plan under this subsection shall be updated
19 no less than once every 10 years.

20 **SECTION 1607.** 66.04 (1m) (a) of the statutes is amended to read:

21 66.04 (1m) (a) No city, village or town, family care district under s. 46.2895 or
22 agency or subdivision of a city, village or town may authorize funds for or pay to a
23 physician or surgeon or a hospital, clinic or other medical facility for the performance
24 of an abortion except those permitted under and which are performed in accordance
25 with s. 20.927.

SENATE BILL 45**SECTION 1608**

1 **SECTION 1608.** 66.04 (1m) (b) of the statutes is amended to read:

2 66.04 **(1m)** (b) No city, village ~~or~~, town, family care district under s. 46.2895 or
3 agency or subdivision of a city, village or town may authorize payment of funds for
4 a grant, subsidy or other funding involving a pregnancy program, project or service
5 if s. 20.9275 (2) applies to the pregnancy program, project or service.

6 **SECTION 1609.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

7 66.119 **(1)** (b) 7. c. That if the alleged violator makes a cash deposit and does
8 not appear in court, he or she either will be deemed to have tendered a plea of no
9 contest and submitted to a forfeiture, a penalty assessment imposed by s. ~~165.87~~
10 757.05, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755, any applicable consumer
12 information assessment imposed by s. 100.261 and any applicable domestic abuse
13 assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will
14 be summoned into court to answer the complaint if the court does not accept the plea
15 of no contest.

16 **SECTION 1610.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

17 66.119 **(1)** (b) 7. d. That if the alleged violator does not make a cash deposit and
18 does not appear in court at the time specified, the court may issue a summons or a
19 warrant for the defendant's arrest or consider the nonappearance to be a plea of no
20 contest and enter judgment under sub. (3) (d), or the municipality may commence an
21 action against the alleged violator to collect the forfeiture, the penalty assessment
22 imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime
23 laboratories and drug law enforcement assessment imposed by s. 165.755, any
24 applicable consumer information assessment imposed by s. 100.261 and any
25 applicable domestic abuse assessment imposed by s. 973.055 (1).

SENATE BILL 45**SECTION 1611**

1 **SECTION 1611.** 66.119 (1) (c) of the statutes is amended to read:

2 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
3 cash deposits that are to be required for the various ordinance violations, and for the
4 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
5 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
6 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
7 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for which
8 a citation may be issued. The ordinance shall also specify the court, clerk of court
9 or other official to whom cash deposits are to be made and shall require that receipts
10 be given for cash deposits.

11 **SECTION 1612.** 66.119 (3) (a) of the statutes is amended to read:

12 66.119 (3) (a) The person named as the alleged violator in a citation may appear
13 in court at the time specified in the citation or may mail or deliver personally a cash
14 deposit in the amount, within the time and to the court, clerk of court or other official
15 specified in the citation. If a person makes a cash deposit, the person may
16 nevertheless appear in court at the time specified in the citation, provided that the
17 cash deposit may be retained for application against any forfeiture, restitution,
18 penalty assessment, jail assessment, crime laboratories and drug law enforcement
19 assessment ~~or~~ consumer information assessment or domestic abuse assessment that
20 may be imposed.

21 **SECTION 1613.** 66.119 (3) (b) of the statutes is amended to read:

22 66.119 (3) (b) If a person appears in court in response to a citation, the citation
23 may be used as the initial pleading, unless the court directs that a formal complaint
24 be made, and the appearance confers personal jurisdiction over the person. The
25 person may plead guilty, no contest or not guilty. If the person pleads guilty or no

SENATE BILL 45**SECTION 1613**

1 contest, the court shall accept the plea, enter a judgment of guilty and impose a
2 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
3 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
4 assessment imposed by s. 165.755, any applicable consumer information assessment
5 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
6 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093
7 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put
8 all matters in the case at issue, and the matter shall be set for trial.

9 **SECTION 1614.** 66.119 (3) (c) of the statutes is amended to read:

10 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear
11 in court, the citation may serve as the initial pleading and the violator shall be
12 considered to have tendered a plea of no contest and submitted to a forfeiture, the
13 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
14 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
15 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
16 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not
17 exceeding the amount of the deposit. The court may either accept the plea of no
18 contest and enter judgment accordingly or reject the plea. If the court finds the
19 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
20 violator into court to determine if restitution shall be ordered under s. 800.093. If
21 the court accepts the plea of no contest, the defendant may move within 10 days after
22 the date set for the appearance to withdraw the plea of no contest, open the judgment
23 and enter a plea of not guilty if the defendant shows to the satisfaction of the court
24 that the failure to appear was due to mistake, inadvertence, surprise or excusable
25 neglect. If the plea of no contest is accepted and not subsequently changed to a plea

SENATE BILL 45**SECTION 1614**

1 of not guilty, no costs or fees may be taxed against the violator, but a penalty
2 assessment, a jail assessment, a crime laboratories and drug law enforcement
3 assessment and, if applicable, a consumer information assessment or a domestic
4 abuse assessment shall be assessed. If the court rejects the plea of no contest, an
5 action for collection of the forfeiture, penalty assessment, jail assessment, crime
6 laboratories and drug law enforcement assessment, any applicable information
7 assessment and any applicable domestic abuse assessment may be commenced. A
8 city, village, town sanitary district or public inland lake protection and rehabilitation
9 district may commence action under s. 66.12 (1) and a county or town may commence
10 action under s. 778.10. The citation may be used as the complaint in the action for
11 the collection of the forfeiture, penalty assessment, jail assessment, crime
12 laboratories and drug law enforcement assessment, any applicable consumer
13 information assessment and any applicable domestic abuse assessment.

14 **SECTION 1615.** 66.119 (3) (d) of the statutes is amended to read:

15 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to
16 appear in court at the time specified in the citation, the court may issue a summons
17 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
18 no contest and enter judgment accordingly if service was completed as provided
19 under par. (e) or the county, town, city, village, town sanitary district or public inland
20 lake protection and rehabilitation district may commence an action for collection of
21 the forfeiture, penalty assessment, jail assessment and crime laboratories and drug
22 law enforcement assessment, any applicable consumer information assessment and
23 any applicable domestic abuse assessment. A city, village, town sanitary district or
24 public inland lake protection and rehabilitation district may commence action under
25 s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation

SENATE BILL 45**SECTION 1615**

1 may be used as the complaint in the action for the collection of the forfeiture, penalty
2 assessment, jail assessment and crime laboratories and drug law enforcement
3 assessment, any applicable consumer information assessment and any applicable
4 domestic abuse assessment. If the court considers the nonappearance to be a plea
5 of no contest and enters judgment accordingly, the court shall promptly mail a copy
6 or notice of the judgment to the defendant. The judgment shall allow the defendant
7 not less than 20 days from the date of the judgment to pay any forfeiture, penalty
8 assessment, jail assessment and crime laboratories and drug law enforcement
9 assessment, any applicable consumer information assessment and any applicable
10 domestic abuse assessment imposed. If the defendant moves to open the judgment
11 within 6 months after the court appearance date fixed in the citation, and shows to
12 the satisfaction of the court that the failure to appear was due to mistake,
13 inadvertence, surprise or excusable neglect, the court shall reopen the judgment,
14 accept a not guilty plea and set a trial date.

15 **SECTION 1616.** 66.12 (1) (b) of the statutes is amended to read:

16 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
17 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
18 or all violations under those ordinances, and may designate the manner in which the
19 stipulation is to be made and fix the penalty to be paid. When a person charged with
20 a violation for which stipulation of guilt or no contest is authorized makes a timely
21 stipulation and pays the required penalty and pays the penalty assessment imposed
22 by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime
23 laboratories and drug law enforcement assessment imposed by s. 165.755, any
24 applicable consumer information assessment imposed by s. 100.261 and any
25 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated

SENATE BILL 45**SECTION 1616**

1 official, the person need not appear in court and no witness fees or other additional
2 costs may be taxed unless the local ordinance so provides. A court appearance is
3 required for a violation of a local ordinance in conformity with s. 346.63 (1). The
4 official receiving the penalties shall remit all moneys collected to the treasurer of the
5 city, village, town sanitary district or public inland lake protection and rehabilitation
6 district in whose behalf the sum was paid, except that all jail assessments shall be
7 remitted to the county treasurer, within 20 days after its receipt by him or her; and
8 in case of any failure in the payment, the treasurer may collect the payment of the
9 officer by action, in the name of the office, and upon the official bond of the officer,
10 with interest at the rate of 12% per year from the time when it should have been paid.
11 In the case of the penalty assessment imposed by s. ~~165.87~~ 757.05, the crime
12 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
13 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
14 information assessment imposed by s. 100.261 and any applicable domestic abuse
15 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
16 district or public inland lake protection and rehabilitation district shall remit to the
17 state treasurer the sum required by law to be paid on the actions so entered during
18 the preceding month on or before the first day of the next succeeding month. The
19 governing body of the city, village, town sanitary district or public inland lake
20 protection and rehabilitation district shall by ordinance designate the official to
21 receive the penalties and the terms under which the official shall qualify.

22 **SECTION 1617.** 66.12 (3) (b) of the statutes is amended to read:

23 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any
24 ordinance or bylaw of any city, village, town, town sanitary district or public inland
25 lake protection and rehabilitation district shall be paid into the city, village, town,

SENATE BILL 45**SECTION 1617**

1 town sanitary district or public inland lake protection and rehabilitation district
2 treasury for the use of the city, village, town, town sanitary district or public inland
3 lake protection and rehabilitation district, except as otherwise provided in par. (c),
4 sub. (1) (b) and s. ~~165.87~~ 757.05. The judge shall report and pay into the treasury,
5 quarterly, or at more frequent intervals if so required, all moneys collected belonging
6 to the city, village, town, town sanitary district or public inland lake protection and
7 rehabilitation district, which report shall be certified and filed in the office of the
8 treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one
9 of which he or she shall file with the city, village or town clerk or with the town
10 sanitary district or the public inland lake protection and rehabilitation district.

11 **SECTION 1618.** 66.285 (4) (f) of the statutes is created to read:

12 66.285 (4) (f) The failure to pay timely due to an occurrence to which s. 893.83
13 applies.

14 **SECTION 1619.** 66.299 (3) (a) 1. of the statutes is amended to read:

15 66.299 (3) (a) 1. A local governmental unit shall, to the extent practicable, make
16 purchasing selections using specifications developed by state agencies under s. 16.72
17 (2) (e) to maximize the purchase of products utilizing recycled or recovered materials.

18 **SECTION 1620.** 66.299 (4) of the statutes is amended to read:

19 66.299 (4) PURCHASE OF RECYCLABLE MATERIALS. A local governmental unit shall,
20 to the extent practicable, make purchasing selections using specifications prepared
21 by state agencies under s. 16.72 (2) (f).

22 **SECTION 1621.** 66.30 (1) (a) of the statutes is amended to read:

23 66.30 (1) (a) In this section “municipality” means the state or any department
24 or agency thereof, or any city, village, town, county, school district, public library
25 system, public inland lake protection and rehabilitation district, sanitary district,

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1 farm drainage district, metropolitan sewerage district, sewer utility district, solid
2 waste management system created under s. 59.70 (2), local exposition district
3 created under subch. II of ch. 229, local professional baseball park district created
4 under subch. III of ch. 229, family care district under s. 46.2895, water utility district,
5 mosquito control district, municipal electric company, county or city transit
6 commission, commission created by contract under this section, taxation district or
7 regional planning commission.

8 **SECTION 1622.** 66.43 (3) (a) of the statutes is amended to read:

9 66.43 (3) (a) "Blighted area" means any area, including a slum area, in which
10 a majority of the structures are residential or in which there is a predominance of
11 buildings or improvements, whether residential or nonresidential, and which, by
12 reason of dilapidation, deterioration, age or obsolescence, inadequate provision for
13 ventilation, light, air, sanitation, or open spaces, high density of population and
14 overcrowding, environmental pollution or the existence of conditions which
15 endanger life or property by fire and other causes, or any combination of such factors,
16 is conducive to ill health, transmission of disease, infant mortality, juvenile
17 delinquency and crime, and is detrimental to the public health, safety, morals or
18 welfare.

19 **SECTION 1623.** 66.43 (3) (be) of the statutes is created to read:

20 66.43 (3) (be) "Environmental pollution" has the meaning given in s. 299.01 (4).

21 **SECTION 1624.** 66.431 (2m) (b) 1. of the statutes is amended to read:

22 66.431 (2m) (b) 1. An area, including a slum area, in which there is a
23 predominance of buildings or improvements, whether residential or nonresidential,
24 which by reason of dilapidation, deterioration, age or obsolescence, inadequate
25 provision for ventilation, light, air, sanitation, or open spaces, high density of

SENATE BILL 45**SECTION 1624**

1 population and overcrowding, environmental pollution or the existence of conditions
2 which endanger life or property by fire and other causes, or any combination of such
3 factors is conducive to ill health, transmission of disease, infant mortality, juvenile
4 delinquency, or crime, and is detrimental to the public health, safety, morals or
5 welfare.

6 **SECTION 1625.** 66.431 (2m) (b) 2. of the statutes is amended to read:

7 66.431 (2m) (b) 2. An area which by reason of the presence of a substantial
8 number of substandard, slum, deteriorated or deteriorating structures,
9 predominance of defective or inadequate street layout, faulty lot layout in relation
10 to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions,
11 deterioration of site or other improvements, diversity of ownership, tax or special
12 assessment delinquency exceeding the fair value of the land, defective or unusual
13 conditions of title, environmental pollution or the existence of conditions which
14 endanger life or property by fire and other causes, or any combination of such factors,
15 substantially impairs or arrests the sound growth of a city, retards the provision of
16 housing accommodations or constitutes an economic or social liability and is a
17 menace to the public health, safety, morals, or welfare in its present condition and
18 use.

19 **SECTION 1626.** 66.431 (2m) (b) 3. of the statutes is amended to read:

20 66.431 (2m) (b) 3. An area which is predominantly open and which because of
21 obsolete platting, diversity of ownership, deterioration of structures or of site
22 improvements, environmental pollution or otherwise, substantially impairs or
23 arrests the sound growth of the community.

24 **SECTION 1627.** 66.431 (2m) (bm) of the statutes is amended to read:

SENATE BILL 45**SECTION 1627**

1 66.431 (2m) (bm) “Blighted property” means any property within a city,
2 whether residential or nonresidential, which by reason of dilapidation,
3 deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or
4 sanitation, high density of population and overcrowding, or the existence of
5 conditions which endanger life or property by fire and other causes, or any
6 combination of such factors, is conducive to ill health, transmission of disease, infant
7 mortality, juvenile delinquency or crime, and is detrimental to the public health,
8 safety, morals or welfare, or any property which by reason of faulty lot layout in
9 relation to size, adequacy, accessibility or usefulness, insanitary or unsafe
10 conditions, deterioration of site or other improvements, diversity of ownership, tax
11 or special assessment delinquency exceeding the fair market value of the land,
12 defective or unusual conditions of title, environmental pollution or the existence of
13 conditions which endanger life or property by fire and other causes, or any
14 combination of such factors, substantially impairs or arrests the sound growth of a
15 city, retards the provisions of housing accommodations or constitutes an economic or
16 social liability and is a menace to the public health, safety, morals or welfare in its
17 present condition and use, or any property which is predominantly open and which
18 because of obsolete platting, diversity of ownership, deterioration of structures or of
19 site improvements, environmental pollution or otherwise, substantially impairs or
20 arrests the sound growth of the community.

21 **SECTION 1628.** 66.431 (2m) (fe) of the statutes is created to read:

22 66.431 (2m) (fe) “Environmental pollution” has the meaning given in s. 299.01
23 (4).

24 **SECTION 1629.** 66.46 (2) (a) 1. a. of the statutes is amended to read:

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1 66.46 (2) (a) 1. a. An area, including a slum area, in which the structures,
2 buildings or improvements, which by reason of dilapidation, deterioration, age or
3 obsolescence, inadequate provision for ventilation, light, air, sanitation, or open
4 spaces, high density of population and overcrowding, environmental pollution or the
5 existence of conditions which endanger life or property by fire and other causes, or
6 any combination of these factors is conducive to ill health, transmission of disease,
7 infant mortality, juvenile delinquency, or crime, and is detrimental to the public
8 health, safety, morals or welfare.

9 **SECTION 1630.** 66.46 (2) (a) 1. b. of the statutes is amended to read:

10 66.46 (2) (a) 1. b. An area which is predominantly open and which consists
11 primarily of an abandoned highway corridor, as defined in s. 66.431 (2m) (a), or that
12 consists of land upon which buildings or structures have been demolished and which
13 because of obsolete platting, diversity of ownership, deterioration of structures or of
14 site improvements, environmental pollution or otherwise, substantially impairs or
15 arrests the sound growth of the community.

16 **SECTION 1631.** 66.46 (13) of the statutes is amended to read:

17 66.46 (13) REPORT ON EFFECTS AND IMPACT OF TAX INCREMENTAL FINANCING. The
18 department of ~~commerce~~ revenue, in cooperation with other state agencies and local
19 governments, shall make a comprehensive report to the ~~governor and the chief clerk~~
20 ~~of each house of the legislature, for distribution to the legislature under s. 13.172 (2)~~
21 and to the governor, at the beginning of each biennium, beginning with the ~~1977~~
22 2001-03 biennium, as to the effects and impact of tax incremental financing projects
23 socially, economically and financially.

24 **SECTION 1632.** 66.462 (1) (c) of the statutes is amended to read:

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1 66.462 (1) (c) “Eligible costs” means capital costs, financing costs and
2 administrative and professional service costs for the investigation, removal,
3 containment or monitoring of, or the restoration of soil, air, surface water, sediments
4 or groundwater affected by, environmental pollution, including monitoring costs
5 incurred within 2 years after the date on which the department of natural resources
6 certifies that environmental pollution on the property has been remediated, property
7 acquisition costs, demolition costs including asbestos removal, and removing and
8 disposing of abandoned containers, as defined in s. 292.41 (1), except that for any
9 parcel of land “eligible costs” shall be reduced by any amounts received from persons
10 responsible for the discharge, as defined in s. 292.01 (3), of a hazardous substance
11 on the property to pay for the costs of remediating environmental pollution on the
12 property, by any amounts received, or reasonably expected by the political
13 subdivision to be received, from a local, state or federal program for the remediation
14 of contamination in the district that do not require reimbursement or repayment and
15 by the amount of net gain from the sale of the property by the political subdivision.

16 **SECTION 1633.** 66.462 (1) (i) of the statutes is amended to read:

17 66.462 (1) (i) “Period of certification” means a period of not more than 16 23
18 years beginning after the department certifies the environmental remediation tax
19 incremental base of a parcel of property under sub. (4) or a period before all eligible
20 costs have been paid, whichever occurs first.

21 **SECTION 1634.** 66.462 (2) of the statutes is amended to read:

22 66.462 (2) USE OF ENVIRONMENTAL REMEDIATION TAX INCREMENTS. A political
23 subdivision that develops, and whose governing body approves, a written proposal
24 to remediate environmental pollution on property owned by the political subdivision
25 may use an environmental remediation tax increment to pay the eligible costs of

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1 remediating environmental pollution on contiguous parcels of property that is are
2 not part of a tax incremental district created under s. 66.46 ~~and that is owned by the~~
3 ~~political subdivision at the time of the remediation and then transferred to another~~
4 ~~person after the property is remediated, as provided in this section, except that a~~
5 political subdivision may use an environmental remediation tax increment to pay
6 the cost of remediating environmental pollution of groundwater without regard to
7 whether the property above the groundwater is owned by the political subdivision.
8 No political subdivision may submit an application to the department under sub. (4)
9 until the joint review board approves the political subdivision's written proposal
10 under sub. (3).

11 **SECTION 1635.** 66.462 (3) (a) of the statutes is amended to read:

12 66.462 (3) (a) Any political subdivision that seeks to use an environmental
13 remediation tax increment under sub. (2) shall convene a joint review board to review
14 the proposal. The board shall consist of one representative chosen by the school
15 district that has power to levy taxes on the property that is remediated, one
16 representative chosen by the technical college district that has power to levy taxes
17 on the property, one representative chosen by the county that has power to levy taxes
18 on the property that is remediated, one representative chosen by the ~~political~~
19 ~~subdivision~~ city, village or town that has power to levy taxes on the property that is
20 remediated and one public member. If more than one city, village or town, more than
21 one school district, more than one technical college district or more than one county
22 has the power to levy taxes on the property that is remediated, the unit in which is
23 located property that has the greatest value shall choose that representative to the
24 board. The public member and the board's chairperson shall be selected by a majority
25 of the other board members at the board's first meeting. All board members shall be

SENATE BILL 45**SECTION 1635**

1 appointed and the first board meeting held within 14 days after the political
2 subdivision's governing body approves the written proposal under sub. (2).
3 Additional meetings of the board shall be held upon the call of any member. The
4 political subdivision that seeks to act under sub. (2) shall provide administrative
5 support for the board. By majority vote, the board may disband following approval
6 or rejection of the proposal.

7 **SECTION 1636.** 66.462 (4) (a) of the statutes is amended to read:

8 66.462 (4) (a) The political subdivision submits a statement that it has incurred
9 some eligible costs, and includes with the statement a detailed proposed remedial
10 action plan that contains cost estimates for anticipated eligible costs, with respect
11 to the parcel or contiguous parcels of property and the statement details the purpose
12 and amount of the expenditures already made and includes a dated certificate issued
13 by the department of natural resources that certifies that ~~environmental pollution~~
14 ~~on the parcel of property has been remediated~~ the department of natural resources
15 has approved the site investigation report that relates to the parcel or contiguous
16 parcels in accordance with rules promulgated by the department of natural
17 resources.

18 **SECTION 1637.** 66.504 (2) of the statutes is amended to read:

19 66.504 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
20 contract with a nonprofit corporation organized for civic purposes and located in the
21 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
22 a facility to be used for municipal and civic activities if a majority of the voters voting
23 in a referendum authorize the municipality to enter into the joint contract. The
24 referendum shall be held at a special election or at a spring primary or election or
25 September primary or general election ~~approve the question of entering into the joint~~

SENATE BILL 45**SECTION 1637**

1 ~~contract~~ or, if the municipality is a school district, at the next spring election or
2 general election to be held not earlier than 45 days after submittal of the issue or at
3 a special election held on the Tuesday after the first Monday in November in an
4 odd-numbered year if that date occurs not earlier than 45 days after submittal of the
5 issue.

6 **SECTION 1638.** 66.521 (10) (g) of the statutes is repealed.

7 **SECTION 1639.** 66.88 (11) of the statutes is amended to read:

8 66.88 (11) “Sewerage system” means all facilities of the district for collection,
9 transportation, storage, pumping, treatment and final disposition of sewage.
10 “Sewerage system” does not include any private small sewage system, as defined in
11 s. 145.01 ~~(12)~~ (14m), or any local sewer.

12 **SECTION 1640.** 66.888 (1) (c) 3. a. of the statutes is amended to read:

13 66.888 (1) (c) 3. a. The weight to be given to the need for private small sewage
14 systems, as defined in s. 145.01 ~~(12)~~ (14m), to maintain the public health and welfare
15 in any area located within the district prior to a redefinition of the boundary but
16 located outside the district after any redefinition of the boundary.

17 **SECTION 1641.** 66.945 (2) (d) of the statutes is created to read:

18 66.945 (2) (d) No regional planning commission that consists of only one county
19 may be created under this subsection after December 31, 2001.

20 **SECTION 1642.** 66.945 (3) (b) (intro.) of the statutes is amended to read:

21 66.945 (3) (b) (intro.) ~~For~~ Except as provided in par. (bm), for any region which
22 does not include a city of the first class, the membership composition of a regional
23 planning commission shall be in accordance with resolutions approved by the
24 governing bodies of a majority of the local units in the region, and these units shall
25 have in the aggregate at least half the population of the region. For the purposes of

SENATE BILL 45**SECTION 1642**

1 this determination a county, part or all of which is within the region, shall be counted
2 as a local unit, but the population of an approving county shall not be counted. In
3 the absence of the necessary approval by the local units, the membership
4 composition of a commission shall be determined as follows:

5 **SECTION 1643.** 66.945 (3) (bm) of the statutes is created to read:

6 66.945 (3) (bm) The membership composition of a regional planning
7 commission that includes a county that contains a 2nd class city and that is created
8 after December 31, 2001, shall be as provided in par. (a).

9 **SECTION 1644.** 66.945 (8) (a) of the statutes is amended to read:

10 66.945 (8) (a) The regional planning commission may conduct all types of
11 research studies, collect and analyze data, prepare maps, charts and tables, and
12 conduct all necessary studies for the accomplishment of its other duties; it may,
13 consistent with the elements specified in s. 66.0295, make plans for the physical,
14 social and economic development of the region, and may, consistent with the
15 elements specified in s. 66.0295, adopt by resolution any plan or the portion of any
16 plan so prepared as its official recommendation for the development of the region; it
17 may publicize and advertise its purposes, objectives and findings, and may distribute
18 reports thereon; it may provide advisory services on regional planning problems to
19 the local government units within the region and to other public and private agencies
20 in matters relative to its functions and objectives, and may act as a coordinating
21 agency for programs and activities of such local units and agencies as they relate to
22 its objectives. All public officials shall, upon request, furnish to the regional planning
23 commission, within a reasonable time, such available information as it requires for
24 its work. In general, the regional planning commission shall have all powers
25 necessary to enable it to perform its functions and promote regional planning. The

SENATE BILL 45**SECTION 1644**

1 functions of the regional planning commission shall be solely advisory to the local
2 governments and local government officials comprising the region.

3 **SECTION 1645.** 66.945 (9) of the statutes is amended to read:

4 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
5 commission shall have the function and duty of making and adopting a master plan
6 for the physical development of the region. The master plan, with the accompanying
7 maps, plats, charts, programs and descriptive and explanatory matter, shall show
8 the commission's recommendations for such physical development and ~~may include,~~
9 ~~among other things without limitation because of enumeration, the general location,~~
10 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
11 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
12 ~~airports; waterways; routes for public transit; and the general location and extent~~
13 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
14 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
15 ~~agricultural or recreational development~~ shall contain at least the elements
16 described in s. 66.0295. The regional planning commission may amend, extend or
17 add to the master plan or carry any part or subject matter into greater detail.

18 **SECTION 1646.** 66.945 (10) of the statutes is amended to read:

19 66.945 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be
20 made with the general purpose of guiding and accomplishing a coordinated, adjusted
21 and harmonious development of the region which will, in accordance with existing
22 and future needs, best promote public health, safety, morals, order, convenience,
23 prosperity or the general welfare, as well as efficiency and economy in the process
24 of development. The regional planning commission may adopt the master plan as
25 a whole by a single resolution, or, as the work of making the whole master plan

SENATE BILL 45**SECTION 1646**

1 progresses, may by resolution adopt a part or parts thereof, any such part to
2 correspond generally with one or more of the functional subdivisions of the subject
3 ~~matter of the plan~~ elements specified in s. 66.0295. The resolution shall refer
4 expressly to the maps, plats, charts, programs and descriptive and explanatory
5 matter, and other matters intended by the regional planning commission to form the
6 whole or any part of the plan, and the action taken shall be recorded on the adopted
7 plan or part thereof by the identifying signature of the chairperson of the regional
8 planning commission and a copy of the plan or part thereof shall be certified to the
9 legislative bodies of the local governmental units within the region. The purpose and
10 effect of adoption of the master plan shall be solely to aid the regional planning
11 commission and the local governments and local government officials comprising the
12 region in the performance of their functions and duties.

13 **SECTION 1647.** 67.04 (5) (b) 2. of the statutes is repealed.

14 **SECTION 1648.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

15 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~
16 referendum for the purpose of submitting the resolution to the electors for approval
17 or rejection, ~~or direct that the resolution be submitted at the next regularly~~
18 ~~scheduled primary or spring election or general election~~ to be held not earlier than
19 45 days after the adoption of the resolution or at a special election held on the
20 Tuesday after the first Monday in November in an odd-numbered year if that date
21 occurs not earlier than 45 days after the adoption of the resolution. The resolution
22 shall not be effective unless adopted by a majority of the school district electors voting
23 at the referendum.

24 **SECTION 1649.** 67.12 (12) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 1649**

1 67.12 (12) (a) Any municipality may issue promissory notes as evidence of
2 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not
3 limited to paying any general and current municipal expense, and refunding any
4 municipal obligations, including interest on them. Each note, plus interest if any,
5 shall be repaid within 10 years after the original date of the note, except that notes
6 issued under this section for purposes of ss. 145.245 (12m), 281.58 and, 281.59,
7 281.60 and 281.61, or to raise funds to pay a portion of the capital costs of a
8 metropolitan sewerage district, shall be repaid within 20 years after the original date
9 of the note.

10 **SECTION 1650.** 69.30 (1) (am) of the statutes is created to read:

11 69.30 (1) (am) “Family care district” has the meaning given in s. 46.2805 (5).

12 **SECTION 1651.** 69.30 (2) of the statutes is amended to read:

13 69.30 (2) A financial institution, state agency, county department, Wisconsin
14 works agency or, service office or family care district or an employe of a financial
15 institution, state agency, county department, Wisconsin works agency or, service
16 office or family care district is not subject to s. 69.24 (1) (a) for copying a certified copy
17 of a vital record for use by the financial institution, state agency, county department,
18 Wisconsin works agency or, service office or family care district, including use under
19 s. 45.36 (4m), if the copy is marked “FOR ADMINISTRATIVE USE”.

20 **SECTION 1652.** 70.11 (2) of the statutes is amended to read:

21 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
22 Property owned by any county, city, village, town, school district, technical college
23 district, public inland lake protection and rehabilitation district, metropolitan
24 sewerage district, municipal water district created under s. 198.22, joint local water
25 authority created under s. 66.0735, family care district under s. 46.2895 or town

SENATE BILL 45**SECTION 1652**

1 sanitary district; lands belonging to cities of any other state used for public parks;
2 land tax-deeded to any county or city before January 2; but any residence located
3 upon property owned by the county for park purposes which is rented out by the
4 county for a nonpark purpose shall not be exempt from taxation. Except as to land
5 acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
6 August 17, 1961, to any such governmental unit or for its benefit while the grantor
7 or others for his or her benefit are permitted to occupy the land or part thereof in
8 consideration for the conveyance. Leasing the property exempt under this
9 subsection, regardless of the lessee and the use of the leasehold income, does not
10 render that property taxable.

11 **SECTION 1653.** 70.11 (35) of the statutes is amended to read:

12 70.11 (35) CULTURAL AND ARCHITECTURAL LANDMARKS. Property described in s.
13 234.935 (1), 1997 stats.

14 **SECTION 1654.** 70.11 (40) of the statutes is created to read:

15 70.11 (40) COMPUTERIZED EQUIPMENT. Fax machines, copiers, cash registers and
16 automatic teller machines.

17 **SECTION 1655.** 70.114 (1) (c) of the statutes is amended to read:

18 70.114 (1) (c) "Land" means state forests, as defined in s. 28.02 (1), that are
19 acquired after December 31, 1991, state parks that are acquired after
20 December 31, 1991, under s. 27.01 and other areas that are acquired after
21 December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.0912, 23.27, 23.29, 23.293,
22 23.31 or 29.749 (1).

23 **SECTION 1656.** 70.36 (1m) of the statutes is amended to read:

SENATE BILL 45**SECTION 1656**

1 70.36 (1m) Any person, firm or corporation that fails to include information on
2 property that is exempt under s. 70.11 (39) on the report under s. 70.35 shall forfeit
3 \$10 for every ~~\$100~~ \$1,000 or major fraction thereof that is not reported.

4 **SECTION 1657.** 70.64 (1) (title) of the statutes is amended to read:

5 70.64 (1) (title) BY ~~TAX APPEALS COMMISSION~~ THE DEPARTMENT.

6 **SECTION 1658.** 70.64 (1) of the statutes is renumbered 70.64 (1) (b) and
7 amended to read:

8 70.64 (1) (b) The assessment and determination of the relative value of taxable
9 general property in any county or taxation district, made by the department of
10 revenue under s. 70.57, may be reviewed, and a redetermination of the value of such
11 property may be made by the ~~tax appeals commission~~ department, upon appeal by
12 the county or taxation district. The filing of such an appeal in the manner provided
13 in this section by any county or taxation district shall impose upon the ~~commission~~
14 department the duty, under the powers conferred upon it by s. ~~73.01 (4) (a)~~ 73.03, to
15 review the assessment complained of. If, in its judgment based upon the testimony,
16 evidence and record made on the ~~preliminary hearing of such~~ appeal, the ~~commission~~
17 department finds such an assessment to be unequal and discriminatory, it shall
18 determine to correct such the assessment to bring it into substantial compliance with
19 law. ~~Except as provided in this section, the appeal shall be taken and such review~~
20 ~~and redetermination shall be made as provided in ss. 73.01 and 73.015 and under the~~
21 ~~rules governing the procedure of the commission.~~

22 **SECTION 1659.** 70.64 (1) (a) of the statutes is created to read:

23 70.64 (1) (a) In this section, "department" means the department of revenue.

24 **SECTION 1660.** 70.64 (2) of the statutes is amended to read:

SENATE BILL 45**SECTION 1660**

1 70.64 (2) AUTHORIZATION OF APPEALS. To authorize such an appeal to the
2 department, an order or resolution directing the same to be taken shall be adopted
3 by the governing body of the county or taxation district taking the appeal at a lawful
4 meeting of the governing body. ~~When~~ After an appeal ~~shall have been~~ is authorized
5 ~~the prosecution of it shall be in charge of by the governing body of a county or taxation~~
6 district, the chairperson of the county board or the county administrator, or of the
7 chairperson, mayor or president of the taxation district taking the appeal shall
8 prosecute the appeal unless otherwise directed by the governing body of the county
9 or taxation district taking the appeal. The officers or committee in charge of the
10 appeal may employ attorneys to conduct the appeal. After authorizing an appeal as
11 provided in this subsection, any 2 or more taxation districts in the same county or
12 any 2 or more school districts located in whole or in part in the same county may join
13 in taking and prosecuting an appeal.

14 **SECTION 1661.** 70.64 (3) (intro.) of the statutes is amended to read:

15 70.64 (3) FORM OF APPEAL. (intro.) To accomplish an appeal there shall be filed
16 with the ~~tax appeals commission~~ department on or before October 15 an appeal in
17 writing setting forth:

18 **SECTION 1662.** 70.64 (3) (a) of the statutes is amended to read:

19 70.64 (3) (a) That the county or taxation district, naming the same, appeals to
20 the ~~tax appeals commission~~ department from the assessment made by the
21 department of revenue under s. 70.57, specifying the date of such assessment.

22 **SECTION 1663.** 70.64 (4) of the statutes is amended to read:

23 70.64 (4) CERTIFIED COPIES. Upon the filing of such an appeal, the clerk of the
24 county or taxation district, without delay, shall prepare certified copies of ~~it~~ the
25 appeal, together with certified copies of the value established by the department of

SENATE BILL 45**SECTION 1663**

1 revenue from which the appeal is taken and a complete list showing the clerk of each
2 taxation district within the county and the post-office address of each. The clerk
3 shall mail by certified mail 4 sets of certified copies to the tax appeals commission
4 and one set of the copies to the department of revenue, and one set each to the county
5 clerk and the clerk of each taxation district within the county.

6 **SECTION 1664.** 70.64 (5) of the statutes is amended to read:

7 70.64 (5) APPEARANCE. ~~Not later than~~ Within 30 days after the clerk of the
8 county or taxation district has mailed the certified copies under sub. (4), unless the
9 time is extended by order of the ~~tax appeals commission~~ department, any county,
10 town, city or village ~~may cause an appearance to be entered in its behalf before the~~
11 ~~commission in support of~~ or municipality may file a verified petition with the
12 department under sub. (3) and have the department enter an appearance on its
13 behalf supporting the appeal and uniting with the appellant for the relief demanded;
14 ~~and by verified petition or statement showing grounds therefor.~~ Any county or
15 municipality may apply for other or further review and redetermination than that
16 demanding in the appeal by filing a verified petition with the department under sub.
17 (3) that specifies the grounds for other or further review and redetermination.
18 ~~Within the same time the~~ 30 days from the date on which the clerk of a county or
19 taxation district mailed certified copies under sub. (4), a county, town, city or village
20 ~~in the county may in the same manner have its appearance entered in opposition to~~
21 ~~or municipality may file a verified petition with the department under sub. (3) and~~
22 have the department enter an appearance in its behalf opposing the appeal and to
23 the relief demanded. ~~Such~~ Petitions and appearances under this subsection shall be
24 authorized in the manner for authorizing an appeal as provided under sub. (2). ~~When~~
25 ~~so authorized the interests of the county, town, city or village authorizing it shall be~~

SENATE BILL 45**SECTION 1664**

1 ~~in the charge of~~ After a petition or appearance is authorized under sub. (2), the
2 chairperson, administrator, mayor or president thereof of the county or municipality
3 that made the authorization under sub. (2) shall protect the county's or
4 municipality's interests in the appeal and may employ an attorney to protect the
5 county's or municipality's interests unless otherwise directed by the governing body
6 authorizing such a petition or appearance; and attorneys may be employed in that
7 behalf. In such appearances any under sub. (2). Any 2 or more of the towns, cities
8 and villages municipalities of the a county may join in a petition or appearance if
9 united in support of or in opposition to the supporting or opposing an appeal. Four
10 copies of each appearance, or petition or statement mentioned in under this
11 subsection shall be filed in the offices of the tax appeals commission and a copy of
12 each mailed by certified mail to with the department of revenue, and a copy of each
13 appearance or petition shall be sent by certified mail to the county clerk, and to the
14 clerk of each town, city and village municipality within the county, and a copy to the
15 attorney authorized to appear on behalf of the county or any town, city or village on
16 behalf of any municipality within the county.

17 **SECTION 1665.** 70.64 (6) of the statutes is amended to read:

18 70.64 (6) HEARING. As soon as practicable, the ~~commission~~ department shall
19 set a time and place for ~~preliminary the~~ the hearing of such an appeal. At least 10 days
20 before the time set for such a hearing, the ~~commission~~ department shall cause send
21 notice thereof to be mailed of the hearing by certified mail to the county clerk and to
22 the attorney or the clerk of each ~~town, city and village~~ municipality in whose behalf
23 an appearance has been entered in the ~~matter of~~ such appeal, and to the clerk of each
24 interested town, city or village ~~which that~~ that has not appeared, and ~~mail a like notice~~
25 to the clerk of the taxation district taking such the appeal and to the department of

SENATE BILL 45**SECTION 1665**

1 revenue. ~~The department of revenue shall be prepared to present to the commission~~
2 ~~at such time during the course of the hearings as the commission requires, the full~~
3 ~~value of all property subject to general property taxation in each town, village and~~
4 ~~city of the county, as determined by the department according to s. 70.57 (1) or in the~~
5 ~~case of a complaint by a taxation district under a county assessor such information~~
6 ~~as the department has in its possession. Said. The department may adjourn and~~
7 ~~reschedule the hearing may be adjourned, in the discretion of the tax appeals~~
8 ~~commission of an appeal, as often and to such times and places as may be necessary~~
9 ~~in order to determine the facts. If satisfied that no substantial injustice has been~~
10 ~~done in the appealed taxation district assessment appealed from, the commission~~
11 ~~department in its discretion may dismiss such the appeal. If satisfied that~~
12 ~~substantial injustice has been done in the appealed taxation district assessment, the~~
13 ~~commission department shall determine to revalue any or all of the taxation districts~~
14 ~~in the county, which it deems as necessary, in a manner which in its judgment is best~~
15 ~~calculated to secure substantial justice.~~

16 **SECTION 1666.** 70.64 (7) of the statutes is amended to read:

17 70.64 (7) REDETERMINATION. ~~The commission~~ After a hearing under sub. (6), the
18 ~~department~~ shall then proceed to redetermine the value of the taxable general
19 ~~property in such any of the taxation districts in the county as it deems necessary. It~~
20 ~~may include in such redetermination other taxation districts than first determined~~
21 ~~upon and may include all of the taxation districts in said county, if at any time during~~
22 ~~the progress of its investigations or revaluations it is satisfied that such course is~~
23 ~~necessary in order to accomplish substantial justice and to secure the relative~~
24 ~~equality as between of the value of the taxable general property in all of the taxation~~
25 ~~districts in such the county. It The department shall make careful investigation of~~

SENATE BILL 45**SECTION 1666**

1 ~~redetermine~~ the value of ~~the~~ taxable general property in ~~the several~~ a taxation
2 ~~districts to which such review and redetermination shall extend, in any manner~~
3 ~~which in its judgment is best calculated~~ district to obtain the fair, full value of such
4 ~~the~~ property. The ~~commission~~ department may employ such ~~and fix the~~
5 ~~compensation of~~ experts and other assistants as ~~may be~~ that are necessary, and ~~fix~~
6 ~~their compensation for a redetermination of the value of taxable general property~~
7 ~~under this subsection.~~ In ~~making such investigations~~ redetermining the value of
8 taxable general property under this subsection, the ~~commission~~ department and all
9 persons employed ~~therein by the commission~~ department shall have all the authority
10 ~~possessed by of~~ assessors so far as applicable, including ~~the~~ authority to administer
11 oaths and to examine property owners and witnesses under oath as to the quantity
12 and value of the property subject to ~~assessment belonging to any person or within~~
13 ~~any taxation district to which the investigation shall extend~~ redetermination under
14 this subsection.

15 **SECTION 1667.** 70.64 (8) of the statutes is repealed.

16 **SECTION 1668.** 70.64 (9) of the statutes is amended to read:

17 70.64 (9) TESTIMONY. The ~~tax appeals commission~~ department may take
18 testimony under subs. (6) and (7). Witnesses summoned ~~at the instance of said~~
19 ~~commission by the department~~ shall be compensated at the rates provided by law for
20 witnesses in courts of record, the same to be audited and paid the same as other
21 claims against the state, upon the certificate of ~~said commission.~~ ~~If any property~~
22 ~~owner or other~~ the department. ~~Any person makes any false statement who testifies~~
23 ~~falsely to said commission~~ the department or to any person employed by ~~it upon the~~
24 department about any matter under investigation ~~that person~~ under this section

SENATE BILL 45**SECTION 1668**

1 shall be subject to all the forfeitures and penalties imposed by law for false
2 statements to assessors and boards of review under s. 70.36.

3 **SECTION 1669.** 70.64 (10) of the statutes is amended to read:

4 70.64 (10) DETERMINATION. The ~~tax appeals commission~~ department shall
5 make ~~its~~ a determination upon ~~such~~ an appeal without unreasonable delay and shall
6 file a copy ~~thereof~~ of its determination in the office of the county clerk and mail by
7 certified mail a ~~like copy to the department of revenue and~~ of its determination to the
8 clerk and attorney of the taxation district appealing, and a copy to the clerk and
9 attorney of each taxation district ~~having that appeared at the hearing of the appeal.~~
10 In ~~such~~ its determination the ~~commission~~ department shall set forth the relative
11 value of the taxable general property in each ~~town, city and village~~ municipality of
12 ~~such~~ the county as found by them, and what ~~the~~ that sum, if any, ~~that~~ shall be added to
13 or deducted from the aggregate value of taxable property in each ~~such~~ taxation
14 district as ~~fixed in the determination of the department of revenue from which such~~
15 ~~appeal was taken in order to produce a relatively just and equitable taxation district~~
16 ~~assessment. Such determination shall be final~~ A determination by the department
17 under this section may be appealed to the tax appeals commission under s. 73.01 (5).

18 **SECTION 1670.** 70.64 (11) of the statutes is amended to read:

19 70.64 (11) COMPUTATION. The ~~department's~~ department's determination of the ~~commission~~
20 under sub. (10) shall not affect the validity of taxes apportioned ~~in accordance with~~
21 according to the appealed taxation district assessment from which such appeal was
22 ~~taken; but if it is determined. If the department determines upon such appeal that~~
23 ~~such a~~ such a taxation district assessment is relatively unequal, ~~such inequality shall be~~
24 ~~remedied and compensated~~ the department shall remedy the inequality in the
25 apportionment of state and county taxes in ~~such~~ the county of the taxation district

SENATE BILL 45**SECTION 1670**

1 ~~in the next apportionment following the department's determination of said~~
2 ~~commission in the following manner: under sub. (10). Each town, city and village~~
3 ~~whose municipality where the department determined that a valuation in such a~~
4 ~~taxation district assessment was determined by said commission to be relatively too~~
5 ~~high shall be credited a sum equal to the amount of taxes charged to it upon such~~
6 ~~based on the unequal assessment in excess of the amount equitably chargeable~~
7 ~~thereto of taxes charged to it according to the department's determination of the~~
8 ~~commission; and each town, city and village whose~~ under sub. (10). Each
9 municipality where the department determined that a valuation in such a taxation
10 district assessment was ~~determined by said commission to be~~ relatively too low shall
11 be charged, in addition to all other taxes, a sum equal to the difference between the
12 amount of taxes charged thereto ~~upon such~~ to it based on the unequal assessment
13 and the amount ~~which should have been~~ of taxes charged thereto to it according to
14 the department's determination of the commission under sub. (10). The department
15 of revenue shall aid the county clerk in making the proper computations.

16 **SECTION 1671.** 70.64 (12) of the statutes is amended to read:

17 70.64 (12) EXPENSES. The ~~tax appeals commission~~ department shall transmit
18 to the county clerk of the county where an appeal under this section originated, with
19 its determination ~~on such appeal~~ under sub. (10), a statement of all expenses
20 incurred therein by ~~or at the instance of the commission, which~~ the department to
21 hear and investigate an appeal under this section. The statement shall include the
22 actual expenses of the ~~commission~~ department and of the regular employes of the
23 ~~commission~~ department, the compensation and actual expenses of all other persons
24 employed by ~~it~~ the department under sub. (7) and the fees of officers employed and
25 witnesses summoned ~~at its instance.~~ A by the department. The department shall

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1 ~~file a duplicate of such~~ the statement shall be filed in the office of submitted under
2 this subsection with the department of administration. ~~Such~~ The expenses
3 contained in a statement under this subsection shall be audited upon the certificate
4 of the ~~commission~~ department of revenue, and paid out of the state treasury, in the
5 first instance, as other claims against the state are audited and paid. The amount
6 of ~~such~~ the expenses shall be a special charge against ~~such~~ the county where an
7 appeal under this section originated and shall be included in the next apportionment
8 and certification of state taxes and charges, and collected from ~~such~~ the county, as
9 other special charges are certified and collected. Unless otherwise directed by the
10 ~~commission~~ department of revenue in its determination upon ~~such~~ appeal, the
11 county clerk, in the next apportionment of state and county taxes, shall apportion the
12 amount of ~~such~~ special charges to ~~and among the towns, cities and villages in such~~
13 the municipalities in the county ~~whose~~ where relative valuations were increased in
14 the department of revenue's determination of ~~the commission~~ under sub. (10) in
15 proportion to the amount of ~~such~~ the increase in each of them respectively. The
16 apportionment of ~~such~~ expenses included in the statement under this subsection
17 shall be set forth in the department of revenue's determination of ~~the commission~~
18 under sub. (10). The amount ~~so~~ of expenses apportioned to each ~~such town, city and~~
19 ~~village~~ municipality shall be charged upon its tax roll and shall be collected and paid
20 over to the county treasurer as other state taxes and special charges are collected and
21 paid.

22 **SECTION 1672.** 70.75 (6) of the statutes is created to read:

23 70.75 (6) REVIEW. Review of the reassessments of the department under this
24 section shall be by appeal to the tax appeals commission under s. 73.01 (5).

25 **SECTION 1673.** 70.85 (4) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 1673**

1 70.85 (4) (c) Appeal of the determination of the department of revenue shall be
2 by an ~~action for certiorari in the circuit court of the county in which the property is~~
3 ~~located~~ appeal to the tax appeals commission under s. 73.01 (5).

4 **SECTION 1674.** 71.01 (16) of the statutes is amended to read:

5 71.01 (16) "Wisconsin taxable income" of natural persons means Wisconsin
6 adjusted gross income less the Wisconsin standard deduction, less the personal
7 exemption described under s. 71.05 (23), with losses, depreciation, recapture of
8 benefits, offsets, depletion, deductions, penalties, expenses and other negative
9 income items determined according to the manner that income is or would be
10 allocated, except that the negative income items on individual or separate returns
11 for net rents and other net returns which are marital property attributable to the
12 investment, rental, licensing or other use of nonmarital property shall be allocated
13 to the owner of the property.

14 **SECTION 1675.** 71.04 (4) of the statutes is amended to read:

15 71.04 (4) NONRESIDENT ALLOCATION AND APPORTIONMENT FORMULA. Nonresident
16 individuals and nonresident estates and trusts engaged in business within and
17 without the state shall be taxed only on such income as is derived from business
18 transacted and property located within the state. The amount of such income
19 attributable to Wisconsin may be determined by an allocation and separate
20 accounting thereof, when the business of such nonresident individual or nonresident
21 estate or trust within the state is not an integral part of a unitary business, but the
22 department of revenue may permit an allocation and separate accounting in any case
23 in which it is satisfied that the use of such method will properly reflect the income
24 taxable by this state. In all cases in which allocation and separate accounting is not
25 permissible, the determination shall be made in the following manner: for all

SENATE BILL 45**SECTION 1675**

1 businesses except financial organizations, public utilities, railroads, sleeping car
2 companies and car line companies there shall first be deducted from the total net
3 income of the taxpayer the part thereof (less related expenses, if any) that follows the
4 situs of the property or the residence of the recipient. The For taxable years
5 beginning before January 1, 2000, the remaining net income shall be apportioned to
6 Wisconsin this state by use of an apportionment fraction composed of a sales factor
7 representing 50% of the fraction, a property factor representing 25% of the fraction
8 and a payroll factor representing 25% of the fraction. For taxable years beginning
9 on or after January 1, 2000, the remaining net income shall be apportioned to this
10 state by use of an apportionment fraction composed of the sales factor under sub. (7).

11 **SECTION 1676.** 71.04 (5) (intro.) of the statutes is amended to read:

12 71.04 (5) PROPERTY FACTOR. (intro.) For purposes of sub. (4) and for taxable
13 years beginning before January 1, 2000:

14 **SECTION 1677.** 71.04 (6) (intro.) of the statutes is amended to read:

15 71.04 (6) PAYROLL FACTOR. (intro.) For purposes of sub. (4) and for taxable years
16 beginning before January 1, 2000:

17 **SECTION 1678.** 71.04 (7) (d) of the statutes is amended to read:

18 71.04 (7) (d) Sales, other than sales of tangible personal property, are in this
19 state if the income-producing activity is performed in this state. If the
20 income-producing activity is performed both in and outside this state the sales shall
21 be divided between those states having jurisdiction to tax such business in
22 proportion to the direct costs of performance incurred in each such state in rendering
23 this service. Services performed in states which do not have jurisdiction to tax the
24 business shall be deemed to have been performed in the state to which compensation

SENATE BILL 45**SECTION 1678**

1 is allocated by sub. (6). This paragraph does not apply to taxable years beginning
2 after December 31, 1999.

3 **SECTION 1679.** 71.04 (7) (dc) of the statutes is created to read:

4 71.04 (7) (dc) For taxable years beginning after December 31, 1999, sales,
5 rents, royalties, and other income from real property, and the receipts from the lease
6 or rental of tangible personal property, are attributed to the state in which the
7 property is located.

8 **SECTION 1680.** 71.04 (7) (dg) of the statutes is created to read:

9 71.04 (7) (dg) For taxable years beginning after December 31, 1999, receipts
10 from the lease or rental of moving property including but not limited to motor
11 vehicles, rolling stock, aircraft, vessels, or mobile equipment are included in the
12 numerator of the sales factor under par. (a) to the extent that the property is used
13 in this state. The use of moving property in this state is determined as follows:

14 1. A motor vehicle is used in this state if it is registered in this state and used
15 wholly in this state.

16 2. The use of rolling stock in this state is determined by multiplying the receipts
17 from the lease or rental of the rolling stock by a fraction having as a numerator the
18 miles traveled within this state by the leased or rented rolling stock and having as
19 a denominator the total miles traveled by the leased or rented rolling stock.

20 3. The use of an aircraft in this state is determined by multiplying the receipts
21 from the lease or rental of the aircraft by a fraction having as a numerator the
22 number of landings of the aircraft in this state and having as a denominator the total
23 number of landings anywhere of the aircraft.

24 4. The use of a vessel, mobile equipment or other mobile property in this state
25 is determined by multiplying the receipts from the lease or rental of the property by

SENATE BILL 45**SECTION 1680**

1 a fraction having as a numerator the number of days in the taxable year that the
2 vessel, mobile equipment or other mobile property was in this state and having as
3 a denominator the number of days in the taxable year that the vessel, mobile
4 equipment or other mobile property was rented or leased.

5 **SECTION 1681.** 71.04 (7) (dn) of the statutes is created to read:

6 71.04 (7) (dn) 1. For taxable years beginning after December 31, 1999, royalties
7 and other income received for the use of intangible property are attributed to the
8 state where the purchaser uses the intangible property. If intangible property is used
9 in more than one state, the royalties and other income received for the use of the
10 intangible property shall be apportioned to this state according to the portion of the
11 intangible property's use in this state. If the portion of intangible property's use in
12 this state cannot be determined, the royalties and other income received for the use
13 of the intangible property shall be excluded from the numerator and the denominator
14 of the sales factor under par. (a). Intangible property is used in this state if a
15 purchaser uses the intangible property or uses the rights to intangible property in
16 the regular course of the purchaser's business in this state, regardless of where the
17 purchaser's customers are located.

18 2. For taxable years beginning after December 31, 1999, sales of intangible
19 property are attributed to the state where a purchaser uses the intangible property.
20 If intangible property is used in more than one state, the sales of the intangible
21 property shall be apportioned to this state according to the portion of the intangible
22 property's use in this state. If the portion of intangible property's use in this state
23 cannot be determined, the sales of the intangible property shall be excluded from the
24 numerator and the denominator of the sales factor under par. (a). Intangible
25 property is used in this state if a purchaser uses the intangible property in the

SENATE BILL 45**SECTION 1681**

1 regular course of the purchaser's business in this state, regardless of where the
2 purchaser's customers are located.

3 **SECTION 1682.** 71.04 (7) (dr) of the statutes is created to read:

4 71.04 (7) (dr) For taxable years beginning after December 31, 1999, receipts
5 from the performance of services are attributed to the state where the purchaser
6 received the benefit of the services. If a purchaser receives the benefit of a service
7 in more than one state, the receipts from the performance of the service are included
8 in the numerator of the sales factor under par. (a) according to the portion of the
9 benefit of the service received in this state. If the state where a purchaser received
10 the benefit of a service cannot be determined, the benefit of a service is received in
11 the state where the purchaser, in the regular course of the purchaser's business,
12 ordered the service. If the state where a purchaser ordered a service cannot be
13 determined, the benefit of the service is received in the state where the purchaser,
14 in the regular course of the purchaser's business, receives a bill for the service.

15 **SECTION 1683.** 71.05 (1) (c) 2. of the statutes is amended to read:

16 71.05 (1) (c) 2. The Wisconsin housing and economic development authority, if
17 the bonds are to fund a loan under s. 234.935, 1997 stats.

18 **SECTION 1684.** 71.05 (6) (a) 12. of the statutes is amended to read:

19 71.05 (6) (a) 12. ~~All alimony deducted for federal income tax purposes and paid~~
20 ~~while the individual paying the alimony was a nonresident of this state; all~~ All
21 penalties for early withdrawals from time savings accounts and deposits deducted
22 for federal income tax purposes and paid while the individual charged with the
23 penalty was a nonresident of this state; ~~all repayments of supplemental~~
24 ~~unemployment benefit plan payments deducted for federal income tax purposes and~~
25 ~~made while the individual making the repayment was a nonresident of this state; all~~

SENATE BILL 45**SECTION 1684**

1 reforestation expenses related to property not in this state, deducted for federal
2 income tax purposes and paid while the individual paying the expense was not a
3 resident of this state; all contributions to individual retirement accounts, simplified
4 employe pension plans and self-employment retirement plans and all deductible
5 employe contributions, deducted for federal income tax purposes and in excess of that
6 amount multiplied by a fraction the numerator of which is the individual's wages and
7 net earnings from a trade or business taxable by this state and the denominator of
8 which is the individual's total wages and net earnings from a trade or business; the
9 contributions to a Keogh plan deducted for federal income tax purposes and in excess
10 of that amount multiplied by a fraction the numerator of which is the individual's net
11 earnings from a trade or business, taxable by this state, and the denominator of
12 which is the individual's total net earnings from a trade or business; the amount of
13 health insurance costs of self-employed individuals deducted under section 162 (L)
14 of the internal revenue code for federal income tax purposes and in excess of that
15 amount multiplied by a fraction the numerator of which is the individual's net
16 earnings from a trade or business, taxable by this state, and the denominator of
17 which is the individual's total net earnings from a trade or business; and the amount
18 of self-employment taxes deducted under section 164 (f) of the internal revenue code
19 for federal income tax purposes and in excess of that amount multiplied by a fraction
20 the numerator of which is the individual's net earnings from a trade or business,
21 taxable by this state, and the denominator of which is the individual's total net
22 earnings from a trade or a business.

23 **SECTION 1685.** 71.05 (6) (b) 21. of the statutes is repealed.

24 **SECTION 1686.** 71.05 (6) (b) 23. of the statutes is amended to read:

SENATE BILL 45**SECTION 1686**

1 71.05 (6) (b) 23. Any increase in value of a tuition unit that is purchased under
2 a tuition contract under s. ~~16.24~~ 14.63.

3 **SECTION 1687.** 71.05 (6) (b) 28. e. of the statutes is amended to read:

4 71.05 (6) (b) 28. e. For an individual who is a nonresident or part-year resident
5 of this state, multiply the amount calculated under subd. 28. a., b., c. or d. by a
6 fraction the numerator of which is the individual's wages, salary, tips, unearned
7 income and net earnings from a trade or business that are taxable by this state and
8 the denominator of which is the individual's total wages, salary, tips, unearned
9 income and net earnings from a trade or business. In this subd. 28. e., for married
10 persons filing separately "wages, salary, tips, unearned income and net earnings
11 from a trade or business" means the separate wages, salary, tips, unearned income
12 and net earnings from a trade or business of each spouse, and for married persons
13 filing jointly "wages, salary, tips, unearned income and net earnings from a trade or
14 business" means the total wages, salary, tips, unearned income and net earnings
15 from a trade or business of both spouses.

16 **SECTION 1688.** 71.05 (6) (b) 28. f. of the statutes is amended to read:

17 71.05 (6) (b) 28. f. Reduce the amount calculated under subd. 28. a., b., c., d. or
18 e. to the individual's aggregate wages, salary, tips, unearned income and net
19 earnings from a trade or business that are taxable by this state.

20 **SECTION 1689.** 71.05 (22) (dm) of the statutes is amended to read:

21 71.05 (22) (dm) *Deduction limits; 1994 and thereafter* to 1999. Except as
22 provided in par. (f), for taxable years beginning ~~on or after January 1, 1994~~ after
23 December 31, 1993, and before January 1, 2000, the Wisconsin standard deduction
24 is whichever of the following amounts is appropriate. For a single individual who has
25 a Wisconsin adjusted gross income of less than \$7,500, the standard deduction is

SENATE BILL 45**SECTION 1689**

1 \$5,200. For a single individual who has a Wisconsin adjusted gross income of at least
2 \$7,500 but not more than \$50,830, the standard deduction is the amount obtained
3 by subtracting from \$5,200 12% of Wisconsin adjusted gross income in excess of
4 \$7,500 but not less than \$0. For a single individual who has a Wisconsin adjusted
5 gross income of more than \$50,830, the standard deduction is \$0. For a head of
6 household who has a Wisconsin adjusted gross income of less than \$7,500, the
7 standard deduction is \$7,040. For a head of household who has a Wisconsin adjusted
8 gross income of at least \$7,500 but not more than \$25,000, the standard deduction
9 is the amount obtained by subtracting from \$7,040 22.515% of Wisconsin adjusted
10 gross income in excess of \$7,500 but not less than \$0. For a head of household who
11 has a Wisconsin adjusted gross income of more than \$25,000, the standard deduction
12 shall be calculated as if the head of household were a single individual. For a married
13 couple filing jointly that has an aggregate Wisconsin adjusted gross income of less
14 than \$10,000, the standard deduction is \$8,900. For a married couple filing jointly
15 that has an aggregate Wisconsin adjusted gross income of at least \$10,000 but not
16 more than \$55,000, the standard deduction is the amount obtained by subtracting
17 from \$8,900 19.778% of aggregate Wisconsin adjusted gross income in excess of
18 \$10,000 but not less than \$0. For a married couple filing jointly that has an aggregate
19 Wisconsin adjusted gross income of more than \$55,000, the standard deduction is \$0.
20 For a married individual filing separately who has a Wisconsin adjusted gross
21 income of less than \$4,750, the standard deduction is \$4,230. For a married
22 individual filing separately who has a Wisconsin adjusted gross income of at least
23 \$4,750 but not more than \$26,140, the standard deduction is the amount obtained
24 by subtracting from \$4,230 19.778% of Wisconsin adjusted gross income in excess of
25 \$4,750 but not less than \$0. For a married individual filing separately who has a

SENATE BILL 45**SECTION 1689**

1 Wisconsin adjusted gross income of more than \$26,140, the standard deduction is \$0.
2 The secretary of revenue shall prepare a table under which deductions under this
3 paragraph shall be determined. That table shall be published in the department's
4 instructional booklets.

5 **SECTION 1690.** 71.05 (22) (dp) of the statutes is created to read:

6 71.05 (22) (dp) *Deduction limits, 2000 and thereafter.* Except as provided in
7 par. (f), for taxable years beginning after December 31, 1999, the Wisconsin standard
8 deduction is whichever of the following amounts is appropriate. For a single
9 individual who has a Wisconsin adjusted gross income of less than \$10,380, the
10 standard deduction is \$7,200. For a single individual who has a Wisconsin adjusted
11 gross income of at least \$10,380 but not more than \$70,380, the standard deduction
12 is the amount obtained by subtracting from \$7,200 12% of Wisconsin adjusted gross
13 income in excess of \$10,380 but not less than \$0. For a single individual who has a
14 Wisconsin adjusted gross income of more than \$70,380, the standard deduction is \$0.
15 For a head of household who has a Wisconsin adjusted gross income of less than
16 \$10,380, the standard deduction is \$9,300. For a head of household who has a
17 Wisconsin adjusted gross income of at least \$10,380 but not more than \$30,350, the
18 standard deduction is the amount obtained by subtracting from \$9,300 22.515% of
19 Wisconsin adjusted gross income in excess of \$10,380 but not less than \$0. For a head
20 of household who has a Wisconsin adjusted gross income of more than \$30,350, the
21 standard deduction shall be calculated as if the head of household were a single
22 individual. For a married couple filing jointly that has an aggregate Wisconsin
23 adjusted gross income of less than \$14,570, the standard deduction is \$12,970. For
24 a married couple filing jointly that has an aggregate Wisconsin adjusted gross
25 income of at least \$14,570 but not more than \$80,150, the standard deduction is the

SENATE BILL 45**SECTION 1690**

1 amount obtained by subtracting from \$12,970 19.778% of aggregate Wisconsin
2 adjusted gross income in excess of \$14,570 but not less than \$0. For a married couple
3 filing jointly that has an aggregate Wisconsin adjusted gross income of more than
4 \$80,150, the standard deduction is \$0. For a married individual filing separately
5 who has a Wisconsin adjusted gross income of less than \$6,920, the standard
6 deduction is \$6,160. For a married individual filing separately who has a Wisconsin
7 adjusted gross income of at least \$6,920 but not more than \$38,070, the standard
8 deduction is the amount obtained by subtracting from \$6,160 19.778% of Wisconsin
9 adjusted gross income in excess of \$6,920 but not less than \$0. For a married
10 individual filing separately who has a Wisconsin adjusted gross income of more than
11 \$38,070, the standard deduction is \$0. The secretary of revenue shall prepare a table
12 under which deductions under this paragraph shall be determined. That table shall
13 be published in the department's instructional booklets.

14 **SECTION 1691.** 71.05 (22) (ds) of the statutes is amended to read:

15 71.05 **(22)** (ds) *Standard deduction indexing.* For taxable years beginning after
16 December 31, 1998, and before January 1, 2000, and for taxable years beginning
17 after December 31, 2000, the dollar amounts of the standard deduction that is
18 allowable under ~~par. pars.~~ (dm) and (dp) and all of the dollar amounts of Wisconsin
19 adjusted gross income under ~~par. pars.~~ (dm) and (dp) shall be increased each year by
20 a percentage equal to the percentage change between the U.S. consumer price index
21 for all urban consumers, U.S. city average, for the month of August of the previous
22 year and the U.S. consumer price index for all urban consumers, U.S. city average,
23 for the month of August of the year before the previous year, as determined by the
24 federal department of labor. Each amount that is revised under this paragraph shall
25 be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of

SENATE BILL 45**SECTION 1691**

1 \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased
2 to the next higher multiple of \$10. The department of revenue shall annually adjust
3 the changes in dollar amounts required under this paragraph and incorporate the
4 changes into the income tax forms and instructions.

5 **SECTION 1692.** 71.05 (22) (f) 4. b. of the statutes is amended to read:

6 71.05 (22) (f) 4. b. The standard deduction that may be claimed by an individual
7 under par. (dm) or (dp), based on the individual's filing status.

8 **SECTION 1693.** 71.05 (23) of the statutes is created to read:

9 71.05 (23) PERSONAL EXEMPTIONS. In computing Wisconsin taxable income, an
10 individual taxpayer may subtract the following amounts:

11 (a) For taxable years that begin after December 31, 1999, and before January
12 1, 2001:

13 1. A personal exemption of \$600 if the taxpayer is required to file a return under
14 s. 71.03 (2) (a) 1. or 2. and \$600 for the taxpayer's spouse, except if the spouse is filing
15 separately or as a head of household.

16 2. An exemption of \$600 for each individual for whom the taxpayer is entitled
17 to an exemption for the taxable year under section 151 (c) of the Internal Revenue
18 Code.

19 3. An additional exemption of \$200 if the taxpayer has reached the age of 65
20 before the close of the taxable year to which his or her tax return relates and \$200
21 for the taxpayer's spouse if he or she has reached the age of 65 before the close of the
22 taxable year to which his or her tax return relates, except if the spouse is filing
23 separately or as a head of household.

24 (b) For taxable years that begin after December 31, 2000:

SENATE BILL 45**SECTION 1693**

1 1. A personal exemption of \$700 if the taxpayer is required to file a return under
2 s. 71.03 (2) (a) 1. or 2. and \$700 for the taxpayer’s spouse, except if the spouse is filing
3 separately or as a head of household.

4 2. An exemption of \$700 for each individual for whom the taxpayer is entitled
5 to an exemption for the taxable year under section 151 (c) of the Internal Revenue
6 Code.

7 3. An additional exemption of \$250 if the taxpayer has reached the age of 65
8 before the close of the taxable year to which his or her tax return relates and \$250
9 for the taxpayer’s spouse if he or she has reached the age of 65 before the close of the
10 taxable year to which his or her tax return relates, except if the spouse is filing
11 separately or as a head of household.

12 (c) With respect to persons who change their domicile into or from this state
13 during the taxable year and nonresident persons, personal exemptions under pars.
14 (a) and (b) shall be limited to the fraction of the amount so determined that Wisconsin
15 adjusted gross income is of federal adjusted gross income. In this paragraph, for
16 married persons filing separately “adjusted gross income” means the separate
17 adjusted gross income of each spouse and for married persons filing jointly “adjusted
18 gross income” means the total adjusted gross income of both spouses. If a person and
19 that person’s spouse are not both domiciled in this state during the entire taxable
20 year, their personal exemptions on a joint return are determined by multiplying the
21 personal exemption that would be available to each of them if they were both
22 domiciled in this state during the entire taxable year by a fraction the numerator of
23 which is their joint Wisconsin adjusted gross income and the denominator of which
24 is their joint federal adjusted gross income.

25 **SECTION 1694.** 71.06 (1m) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1694**

1 **71.06 (1m)** FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; AFTER
2 1997 TO 1999. (intro.) The tax to be assessed, levied and collected upon the taxable
3 incomes of all fiduciaries, except fiduciaries of nuclear decommissioning trust or
4 reserve funds, and single individuals and heads of households shall be computed at
5 the following rates for taxable years beginning after December 31, 1997, and before
6 January 1, 2000:

7 **SECTION 1695.** 71.06 (1n) of the statutes is created to read:

8 **71.06 (1n)** FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; 2000. The
9 tax to be assessed, levied and collected upon the taxable incomes of all fiduciaries,
10 except fiduciaries of nuclear decommissioning trust or reserve funds, and single
11 individuals and heads of households shall be computed at the following rates for
12 taxable years beginning after December 31, 1999, and before January 1, 2001:

- 13 (a) On all taxable income from \$0 to \$7,500, 4.73%.
- 14 (b) On all taxable income exceeding \$7,500 but not exceeding \$15,000, 6.33%.
- 15 (c) On all taxable income exceeding \$15,000 but not exceeding \$112,500, 6.55%.
- 16 (d) On all taxable income exceeding \$112,500, 6.75%.

17 **SECTION 1696.** 71.06 (1p) of the statutes is created to read:

18 **71.06 (1p)** FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS; AFTER
19 2000. The tax to be assessed, levied and collected upon the taxable incomes of all
20 fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and
21 single individuals and heads of households shall be computed at the following rates
22 for taxable years beginning after December 31, 2000:

- 23 (a) On all taxable income from \$0 to \$7,500, 4.6%.
- 24 (b) On all taxable income exceeding \$7,500 but not exceeding \$15,000, 6.15%.
- 25 (c) On all taxable income exceeding \$15,000 but not exceeding \$112,500, 6.5%.

SENATE BILL 45**SECTION 1696**

1 (d) On all taxable income exceeding \$112,500, 6.75%.

2 **SECTION 1697.** 71.06 (2) (c) (intro.) of the statutes is amended to read:

3 71.06 (2) (c) (intro.) For joint returns, for taxable years beginning after
4 December 31, 1997, and before January 1, 2000:

5 **SECTION 1698.** 71.06 (2) (d) (intro.) of the statutes is amended to read:

6 71.06 (2) (d) (intro.) For married persons filing separately, for taxable years
7 beginning after December 31, 1997, and before January 1, 2000:

8 **SECTION 1699.** 71.06 (2) (e) of the statutes is created to read:

9 71.06 (2) (e) For joint returns, for taxable years beginning after December 31,
10 1999, and before January 1, 2001:

11 1. On all taxable income from \$0 to \$10,000, 4.73%.

12 2. On all taxable income exceeding \$10,000 but not exceeding \$20,000, 6.33%.

13 3. On all taxable income exceeding \$20,000 but not exceeding \$150,000, 6.55%.

14 4. On all taxable income exceeding \$150,000, 6.75%.

15 **SECTION 1700.** 71.06 (2) (f) of the statutes is created to read:

16 71.06 (2) (f) For married persons filing separately, for taxable years beginning
17 after December 31, 1999, and before January 1, 2001:

18 1. On all taxable income from \$0 to \$5,000, 4.73%.

19 2. On all taxable income exceeding \$5,000 but not exceeding \$10,000, 6.33%.

20 3. On all taxable income exceeding \$10,000 but not exceeding \$75,000, 6.55%.

21 4. On all taxable income exceeding \$75,000, 6.75%.

22 **SECTION 1701.** 71.06 (2) (g) of the statutes is created to read:

23 71.06 (2) (g) For joint returns, for taxable years beginning after December 31,
24 2000:

25 1. On all taxable income from \$0 to \$10,000, 4.6%.

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1 2. On all taxable income exceeding \$10,000 but not exceeding \$20,000, 6.15%.

2 3. On all taxable income exceeding \$20,000 but not exceeding \$150,000, 6.5%.

3 4. On all taxable income exceeding \$150,000, 6.75%.

4 **SECTION 1702.** 71.06 (2) (h) of the statutes is created to read:

5 71.06 (2) (h) For married persons filing separately, for taxable years beginning
6 after December 31, 2000:

7 1. On all taxable income from \$0 to \$5,000, 4.6%.

8 2. On all taxable income exceeding \$5,000 but not exceeding \$10,000, 6.15%.

9 3. On all taxable income exceeding \$10,000 but not exceeding \$75,000, 6.5%.

10 4. On all taxable income exceeding \$75,000, 6.75%.

11 **SECTION 1703.** 71.06 (2e) of the statutes is amended to read:

12 71.06 (2e) BRACKET INDEXING. For taxable years beginning after December 31,
13 1998, and before January 1, 2000, the maximum dollar amount in each tax bracket,
14 and the corresponding minimum dollar amount in the next bracket, under subs. (1m)
15 and (2) (c) and (d), and for taxable years beginning after December 31, 2001, the
16 maximum dollar amount in each tax bracket, and the corresponding minimum dollar
17 amount in the next bracket, under subs. (1p) and (2) (g) and (h), shall be increased
18 each year by a percentage equal to the percentage change between the U.S. consumer
19 price index for all urban consumers, U.S. city average, for the month of August of the
20 previous year and the U.S. consumer price index for all urban consumers, U.S. city
21 average, for the month of August of the year before the previous year, as determined
22 by the federal department of labor. Each amount that is revised under this
23 subsection shall be rounded to the nearest multiple of \$10 if the revised amount is
24 not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount
25 shall be increased to the next higher multiple of \$10. The department of revenue

SENATE BILL 45**SECTION 1703**

1 shall annually adjust the changes in dollar amounts required under this subsection
2 and incorporate the changes into the income tax forms and instructions.

3 **SECTION 1704.** 71.06 (2m) of the statutes is amended to read:

4 71.06 **(2m)** RATE CHANGES. If a rate under sub. (1), (1m), ~~(1n)~~, ~~(1p)~~ or (2) changes
5 during a taxable year, the taxpayer shall compute the tax for that taxable year by the
6 methods applicable to the federal income tax under section 15 of the internal revenue
7 code.

8 **SECTION 1705.** 71.06 (2s) (b) of the statutes is amended to read:

9 71.06 **(2s)** (b) For taxable years beginning after December 31, 1997, and before
10 January 1, 2000, with respect to nonresident individuals, including individuals
11 changing their domicile into or from this state, the tax brackets under subs. (1m) and
12 (2) (c) and (d) shall be multiplied by a fraction, the numerator of which is Wisconsin
13 adjusted gross income and the denominator of which is federal adjusted gross
14 income. In this paragraph, for married persons filing separately “adjusted gross
15 income” means the separate adjusted gross income of each spouse, and for married
16 persons filing jointly “adjusted gross income” means the total adjusted gross income
17 of both spouses. If an individual and that individual’s spouse are not both domiciled
18 in this state during the entire taxable year, the tax brackets under subs. (1m) and
19 (2) (c) and (d) on a joint return shall be multiplied by a fraction, the numerator of
20 which is their joint Wisconsin adjusted gross income and the denominator of which
21 is their joint federal adjusted gross income.

22 **SECTION 1706.** 71.06 (2s) (c) of the statutes is created to read:

23 71.06 **(2s)** (c) For taxable years beginning after December 31, 1999, and before
24 January 1, 2001, with respect to nonresident individuals, including individuals
25 changing their domicile into or from this state, the tax brackets under subs. (1n) and

SENATE BILL 45**SECTION 1706**

1 (2) (e) and (f) shall be multiplied by a fraction, the numerator of which is Wisconsin
2 adjusted gross income and the denominator of which is federal adjusted gross
3 income. In this paragraph, for married persons filing separately “adjusted gross
4 income” means the separate adjusted gross income of each spouse, and for married
5 persons filing jointly “adjusted gross income” means the total adjusted gross income
6 of both spouses. If an individual and that individual’s spouse are not both domiciled
7 in this state during the entire taxable year, the tax brackets under subs. (1n) and (2)
8 (e) and (f) on a joint return shall be multiplied by a fraction, the numerator of which
9 is their joint Wisconsin adjusted gross income and the denominator of which is their
10 joint federal adjusted gross income.

11 **SECTION 1707.** 71.06 (2s) (d) of the statutes is created to read:

12 71.06 (2s) (d) For taxable years beginning after December 31, 2000, with
13 respect to nonresident individuals, including individuals changing their domicile
14 into or from this state, the tax brackets under subs. (1p) and (2) (g) and (h) shall be
15 multiplied by a fraction, the numerator of which is Wisconsin adjusted gross income
16 and the denominator of which is federal adjusted gross income. In this paragraph,
17 for married persons filing separately “adjusted gross income” means the separate
18 adjusted gross income of each spouse, and for married persons filing jointly “adjusted
19 gross income” means the total adjusted gross income of both spouses. If an individual
20 and that individual’s spouse are not both domiciled in this state during the entire
21 taxable year, the tax brackets under subs. (1p) and (2) (g) and (h) on a joint return
22 shall be multiplied by a fraction, the numerator of which is their joint Wisconsin
23 adjusted gross income and the denominator of which is their joint federal adjusted
24 gross income.

25 **SECTION 1708.** 71.07 (2dj) (am) 3. of the statutes is amended to read:

SENATE BILL 45**SECTION 1708**

1 71.07 **(2dj)** (am) 3. Modify the rule for certification under section 51 (d) (16) (A)
2 of the internal revenue code to allow certification within the 90-day period beginning
3 with the first day of employment of the employe ~~by the claimant.~~

4 **SECTION 1709.** 71.07 (2dx) (b) 4. of the statutes is amended to read:

5 71.07 **(2dx)** (b) 4. The amount determined by multiplying the amount
6 determined under s. 560.785 (1) ~~(b)~~ (bm) by the number of full-time jobs retained,
7 as provided in the rules under s. 560.785, excluding jobs for which a credit has been
8 claimed under sub. (2dj), in a an enterprise development zone under s. 560.797 and
9 filled by a member of a targeted group for which significant capital investment was
10 made and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

11 **SECTION 1710.** 71.07 (3) of the statutes is amended to read:

12 71.07 **(3)** FARMLAND PRESERVATION CREDIT, FARMLAND PRESERVATION ACREAGE
13 CREDIT. The farmland preservation credit and the farmland preservation acreage
14 credit under subch. IX may be claimed against taxes otherwise due.

15 **SECTION 1711.** 71.07 (5) (a) 7. of the statutes is created to read:

16 71.07 **(5)** (a) 7. Miscellaneous itemized deductions under the Internal Revenue
17 Code, without regard to whether such deductions are subject to the 2% floor as
18 described in section 67 of the Internal Revenue Code.

19 **SECTION 1712.** 71.07 (5) (a) 8. of the statutes is created to read:

20 71.07 **(5)** (a) 8. Any employment-related educational expense that is claimed
21 as an itemized deduction under the Internal Revenue Code to the extent that such
22 an amount is also claimed as a subtract modification under s. 71.05 (6) (b) 28.

23 **SECTION 1713.** 71.07 (5m) (e) of the statutes is created to read:

24 71.07 **(5m)** (e) *Sunset.* No new claim may be filed under this subsection for a
25 taxable year that begins after December 31, 1999.

SENATE BILL 45**SECTION 1714**

1 **SECTION 1714.** 71.07 (6) (am) 2. c. of the statutes is amended to read:

2 71.07 (6) (am) 2. c. For taxable years beginning after December 31, 1999, and
3 before January 1, 2001, 2.75% of the earned income of the spouse with the lower
4 earned income, but not more than ~~\$385~~ \$440.

5 **SECTION 1715.** 71.07 (6) (am) 2. d. of the statutes is amended to read:

6 71.07 (6) (am) 2. d. For taxable years beginning after December 31, 2000, 3%
7 of the earned income of the spouse with the lower earned income, but not more than
8 ~~\$420~~ \$480.

9 **SECTION 1716.** 71.07 (8) (d) of the statutes is created to read:

10 71.07 (8) (d) No new claim may be filed under this subsection for a taxable year
11 that begins after December 31, 1999.

12 **SECTION 1717.** 71.07 (9) (g) of the statutes is created to read:

13 71.07 (9) (g) No new claim may be filed under this subsection for a taxable year
14 that begins after December 31, 1999.

15 **SECTION 1718.** 71.07 (9e) (af) (intro.) of the statutes is amended to read:

16 71.07 (9e) (af) (intro.) For taxable years beginning after December 31, 1995,
17 and subject to par. (afm), any natural person may credit against the tax imposed
18 under s. 71.02 an amount equal to one of the following percentages of the federal
19 basic earned income credit for which the person is eligible for the taxable year under
20 section 32 (b) (1) (A) to (C) of the internal revenue code:

21 **SECTION 1719.** 71.07 (9e) (afm) of the statutes is created to read:

22 71.07 (9e) (afm) If a natural person who is otherwise eligible for the credit
23 under this subsection is also participating in Wisconsin works under s. 49.147 (4) (c),
24 the credit that such a natural person may claim under par. (af) shall be calculated
25 as if the calculation of the person's federal basic earned income credit described in

SENATE BILL 45**SECTION 1719**

1 par. (af) did not include wages that the person received from a wage-paying
2 community service job under s. 49.147 (4) (c).

3 **SECTION 1720.** 71.10 (4) (i) of the statutes is amended to read:

4 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
5 preservation credit and farmland preservation acreage credit under subch. IX,
6 homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m),
7 farmers' drought property tax credit under s. 71.07 (2fd), earned income tax credit
8 under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under
9 subch. X.

10 **SECTION 1721.** 71.125 of the statutes is amended to read:

11 **71.125 Imposition of tax. (1)** Except as provided in sub. (2), the tax imposed
12 by this chapter on individuals and the rates under s. 71.06 (1), (1m), (1n), (1p) and
13 (2) shall apply to the Wisconsin taxable income of estates or trusts, except nuclear
14 decommissioning trust or reserve funds, and that tax shall be paid by the fiduciary.

15 **(2)** Each electing small business trust, as defined in section 1361 (e) (1) of the
16 Internal Revenue Code, is subject to tax at the highest rate under s. 71.06 (1) ~~or under~~
17 ~~s. 71.06,~~ (1m), (1n) or (1p), whichever taxable year is applicable, on its income as
18 computed under section 641 of the Internal Revenue Code, as modified by s. 71.05
19 (6) to (12), (19) and (20).

20 **SECTION 1722.** 71.17 (6) of the statutes is amended to read:

21 71.17 **(6) FUNERAL TRUSTS.** If a qualified funeral trust makes the election under
22 section 685 of the Internal Revenue Code for federal income tax purposes, that
23 election applies for purposes of this chapter and each trust shall compute its own tax
24 and shall apply the rates under s. 71.06 (1) ~~and,~~ (1m), (1n) or (1p).

25 **SECTION 1723.** 71.23 (3) (d) of the statutes is created to read:

SENATE BILL 45**SECTION 1723**

1 71.23 (3) (d) The storage for any length of time in this state in or on property
2 owned by a person other than the foreign corporation of its tangible personal
3 property and the transfer of possession to another person in this state when the
4 tangible personal property is for fabricating, processing, manufacturing or printing
5 by that other person in this state.

6 **SECTION 1724.** 71.25 (5) (a) (intro.) of the statutes is amended to read:

7 71.25 (5) (a) *Apportionable income.* (intro.) Except as provided in sub. (6),
8 corporations engaged in business both within and without this state are subject to
9 apportionment. Income, gain or loss from the sources listed in this paragraph is
10 presumed apportionable. Apportionable income includes all income or loss of
11 corporations, other than nonapportionable income as specified in par. (b), including,
12 but not limited to, income, gain or loss from the following sources:

13 **SECTION 1725.** 71.25 (5) (a) 9. of the statutes is amended to read:

14 71.25 (5) (a) 9. ~~Interest and dividends if the operations of the payer are unitary~~
15 ~~with those of the payee, or if those operations are not unitary but the investment~~
16 ~~activity from which that income is derived is an integral part of a unitary business~~
17 ~~and the payer and payee are neither affiliates nor related as parent company and~~
18 ~~subsidiary. In this subdivision, "investment activity" includes decision making~~
19 ~~relating to the purchase and sale of stocks and other securities, investing surplus~~
20 ~~funds and the management and record keeping associated with corporate~~
21 ~~investments, not including activities of a broker or other agent in maintaining an~~
22 ~~investment portfolio.~~

23 **SECTION 1726.** 71.25 (5) (a) 10. of the statutes is amended to read:

24 71.25 (5) (a) 10. ~~Sale of intangible assets if the operations of the company in~~
25 ~~which the investment was made were unitary with those of the investing company,~~

SENATE BILL 45**SECTION 1726**

1 ~~or if those operations were not unitary but the investment activity from which that~~
2 ~~gain or loss was derived is an integral part of a unitary business and the companies~~
3 ~~were neither affiliates nor related as parent company and subsidiary. In this~~
4 ~~subdivision, "investment activity" has the meaning given under subd. 9.~~

5 **SECTION 1727.** 71.25 (5) (b) 1. of the statutes is renumbered 71.25 (5) (b).

6 **SECTION 1728.** 71.25 (5) (b) 2. of the statutes is repealed.

7 **SECTION 1729.** 71.25 (6) of the statutes is amended to read:

8 **71.25 (6) ALLOCATION AND SEPARATE ACCOUNTING AND APPORTIONMENT FORMULA.**

9 Corporations engaged in business within and without the state shall be taxed only
10 on such income as is derived from business transacted and property located within
11 the state. The amount of such income attributable to Wisconsin may be determined
12 by an allocation and separate accounting thereof, when the business of such
13 corporation within the state is not an integral part of a unitary business, but the
14 department of revenue may permit an allocation and separate accounting in any case
15 in which it is satisfied that the use of such method will properly reflect the income
16 taxable by this state. In all cases in which allocation and separate accounting is not
17 permissible, the determination shall be made in the following manner: for all
18 businesses except financial organizations, public utilities, railroads, sleeping car
19 companies, car line companies and corporations or associations that are subject to
20 a tax on unrelated business income under s. 71.26 (1) (a) there shall first be deducted
21 from the total net income of the taxpayer the part thereof (less related expenses, if
22 any) that follows the situs of the property or the residence of the recipient. The For
23 taxable years beginning before January 1, 2000, the remaining net income shall be
24 apportioned to Wisconsin this state by use of an apportionment fraction composed
25 of a sales factor under sub. (9) representing 50% of the fraction, a property factor

SENATE BILL 45**SECTION 1729**

1 under sub. (7) representing 25% of the fraction and a payroll factor under sub. (8)
2 representing 25% of the fraction. For taxable years beginning on or after January
3 1, 2000, the remaining net income shall be apportioned to this state by use of an
4 apportionment fraction composed of the sales factor under sub. (9).

5 **SECTION 1730.** 71.25 (7) (intro.) of the statutes is amended to read:

6 71.25 (7) PROPERTY FACTOR. (intro.) For purposes of sub. (5) and for taxable
7 years beginning before January 1, 2000:

8 **SECTION 1731.** 71.25 (8) (intro.) of the statutes is amended to read:

9 71.25 (8) PAYROLL FACTOR. (intro.) For purposes of sub. (5) and for taxable years
10 beginning before January 1, 2000:

11 **SECTION 1732.** 71.25 (9) (d) of the statutes is amended to read:

12 71.25 (9) (d) Sales, other than sales of tangible personal property, are in this
13 state if the income-producing activity is performed in this state. If the
14 income-producing activity is performed both in and outside this state the sales shall
15 be divided between those states having jurisdiction to tax such business in
16 proportion to the direct costs of performance incurred in each such state in rendering
17 this service. Services performed in states which do not have jurisdiction to tax the
18 business shall be deemed to have been performed in the state to which compensation
19 is allocated by sub. (8). This paragraph does not apply to taxable years beginning
20 after December 31, 1999.

21 **SECTION 1733.** 71.25 (9) (dc) of the statutes is created to read:

22 71.25 (9) (dc) For taxable years beginning after December 31, 1999, sales,
23 rents, royalties, and other income from real property, and the receipts from the lease
24 or rental of tangible personal property are attributed to the state in which the
25 property is located.

SENATE BILL 45**SECTION 1734**

1 **SECTION 1734.** 71.25 (9) (dg) of the statutes is created to read:

2 71.25 (9) (dg) For taxable years beginning after December 31, 1999, receipts
3 from the lease or rental of moving property including but not limited to motor
4 vehicles, rolling stock, aircraft, vessels, or mobile equipment are included in the
5 numerator of the sales factor under par. (a) to the extent that the property is used
6 in this state. The use of moving property in this state is determined as follows:

7 1. A motor vehicle is used in this state if it is registered in this state and used
8 wholly in this state.

9 2. The use of rolling stock in this state is determined by multiplying the receipts
10 from the lease or rental of the rolling stock by a fraction having as a numerator the
11 miles traveled within this state by the leased or rented rolling stock and having as
12 a denominator the total miles traveled by the leased or rented rolling stock.

13 3. The use of an aircraft in this state is determined by multiplying the receipts
14 from the lease or rental of the aircraft by a fraction having as a numerator the
15 number of landings of the aircraft in this state and having as a denominator the total
16 number of landings anywhere of the aircraft.

17 4. The use of a vessel, mobile equipment or other mobile property in this state
18 is determined by multiplying the receipts from the lease or rental of the property by
19 a fraction having as a numerator the number of days in the taxable year that the
20 vessel, mobile equipment or other mobile property was in this state and having as
21 a denominator the number of days in the taxable year that the vessel, mobile
22 equipment or other mobile property was rented or leased.

23 **SECTION 1735.** 71.25 (9) (dn) of the statutes is created to read:

24 71.25 (9) (dn) 1. For taxable years beginning after December 31, 1999, royalties
25 and other income received for the use of intangible property are attributed to the

SENATE BILL 45**SECTION 1735**

1 state where the purchaser uses the intangible property. If intangible property is used
2 in more than one state, the royalties and other income received for the use of the
3 intangible property shall be apportioned to this state according to the portion of the
4 intangible property's use in this state. If the portion of intangible property's use in
5 this state cannot be determined, the royalties and other income received for the use
6 of intangible property shall be excluded from the numerator and the denominator of
7 the sales factor under par. (a). Intangible property is used in this state if a purchaser
8 uses the intangible property or uses the rights to intangible property in the regular
9 course of the purchaser's business in this state, regardless of where the purchaser's
10 customers are located.

11 2. For taxable years beginning after December 31, 1999, sales of intangible
12 property are attributed to the state where a purchaser uses the intangible property.
13 If intangible property is used in more than one state, the sales of the intangible
14 property shall be apportioned to this state according to the portion of the intangible
15 property's use in this state. If the portion of intangible property's use in this state
16 cannot be determined, the sales of the intangible property shall be excluded from the
17 numerator and the denominator of the sales factor under par. (a). Intangible
18 property is used in this state if a purchaser uses the intangible property in the
19 regular course of the purchaser's business in this state, regardless of where the
20 purchaser's customers are located.

21 **SECTION 1736.** 71.25 (9) (dr) of the statutes is created to read:

22 71.25 (9) (dr) For taxable years beginning after December 31, 1999, receipts
23 from the performance of services are attributed to the state where the purchaser
24 received the benefit of the services. If a purchaser receives the benefit of a service
25 in more than one state, the receipts from the performance of the service are included

SENATE BILL 45**SECTION 1736**

1 in the numerator of the sales factor under par. (a) according to the portion of the
2 benefit of the service received in this state. If the state where a purchaser received
3 the benefit of a service cannot be determined, the benefit of a service is received in
4 the state where the purchaser, in the regular course of the purchaser's business,
5 ordered the service. If the state where a purchaser ordered a service cannot be
6 determined, the benefit of the service is received in the state where the purchaser,
7 in the regular course of the purchaser's business, receives a bill for the service.

8 **SECTION 1737.** 71.25 (9) (e) (title) of the statutes is repealed.

9 **SECTION 1738.** 71.25 (9) (f) (title) of the statutes is repealed.

10 **SECTION 1739.** 71.255 of the statutes is created to read:

11 **71.255 Combined reporting. (1) DEFINITIONS.** In this section:

12 (a) "Affiliated group" means any of the following:

13 1. A parent corporation and any corporation or chain of corporations that are
14 connected to the parent corporation by ownership by the parent corporation if the
15 parent corporation owns stock representing at least 50% of the voting stock of at least
16 one of the connected corporations or if the parent corporation or any of the connected
17 corporations owns stock that cumulatively represents at least 50% of the voting stock
18 of each of the connected corporations.

19 2. Any 2 or more corporations if a common owner owns stock representing at
20 least 50% of the voting stock of the corporations or the connected corporations.

21 3. A partnership, limited liability company or tax-option corporation if a
22 parent corporation or any corporation connected to the parent corporation by
23 common ownership owns shares representing at least 50% of the shares of the
24 partnership, limited liability company or tax-option corporation.

SENATE BILL 45**SECTION 1739**

1 4. Any 2 or more corporations if stock representing at least 50% of the voting
2 stock in each corporation are interests that cannot be separately transferred.

3 5. Any 2 or more corporations if stock representing at least 50% of the voting
4 stock is directly owned by, or for the benefit of, family members. In this subdivision,
5 “family members” means an individual or a spouse related by blood, marriage or
6 adoption within the 2nd degree of kinship as computed under s. 852.03 (2), 1995
7 stats.

8 (b) “Combined report” means a form prescribed by the department that shows
9 the calculations under this section to divide the income of an affiliated group
10 conducting a unitary business among the jurisdictions where the affiliated group
11 conducts its trade or business.

12 (c) “Corporation” has the meaning given in s. 71.22 (1) or 71.42 (1).

13 (d) “Department” means the department of revenue.

14 (e) “Intercompany transaction” means a transaction between corporations,
15 partnerships, limited liability companies or tax-option corporations that become
16 members of the same affiliated group that is engaged in a unitary business
17 immediately after the transaction.

18 (f) “Partnership” means any entity considered a partnership under section
19 7701 of the Internal Revenue Code.

20 (g) “Unitary business” means 2 or more businesses that have common
21 ownership or are integrated with or dependent upon each other. Two or more
22 businesses are presumed to be a unitary business if the businesses have centralized
23 management or a centralized executive force; centralized purchasing, advertising or
24 accounting; intercorporate sales or leases; intercorporate services; intercorporate
25 debts; intercorporate use of proprietary materials; interlocking directorates or

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1 interlocking corporate officers; or if a business conducted in this state is owned by
2 a person that conducts a business entirely outside of this state that is different from
3 the business conducted in this state.

4 **(2) CORPORATIONS REQUIRED TO USE COMBINED REPORTING.** A corporation that is
5 subject to tax under s. 71.23 (1) or (2) or 71.43, that is a member of an affiliated group
6 and that is engaged in a unitary business with one or more members of the affiliated
7 group shall compute the corporation's income using the combined reporting method
8 under this section. Any corporation, regardless of the country where the corporation
9 is organized or incorporated or conducts business, and any tax-option corporation,
10 if the department determines that combined reporting is necessary to accurately
11 report the income of the tax-option corporation apportioned to this state, shall file
12 a combined report if the corporation is a member of an affiliated group that is
13 engaged in a unitary business.

14 **(3) ACCOUNTING PERIOD.** For purposes of this section, the income under ss.
15 71.26, 71.34 and 71.45, the apportionment factors under ss. 71.25 and 71.45 and the
16 tax credits under ss. 71.28 and 71.47 of all corporations that are members of an
17 affiliated group and that are engaged in a unitary business shall be determined by
18 using the same accounting period. If the affiliated group that is engaged in a unitary
19 business has a common parent corporation, the accounting period of the common
20 parent corporation shall be used to determine the income, the apportionment factors
21 and the tax credits of all the corporations that are members of the affiliated group
22 that is engaged in a unitary business. If the affiliated group that is engaged in a
23 unitary business has no common parent corporation, the income, the apportionment
24 factors and the tax credits of the affiliated group that is engaged in a unitary business

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1 shall be determined using the accounting period of the member of the affiliated group
2 that has the most significant operations on a recurring basis in this state.

3 **(4) FILING RETURNS.** (a) *Corporations with the same accounting period.*

4 Corporations that must file a return under this section and that have the same
5 accounting period may file a combined report under par. (c) that reports the
6 aggregate state franchise or state income tax liability of all of the members of the
7 affiliated group that are engaged in a unitary business. Corporations that are
8 required to file a combined report under this section may file separate returns
9 reporting the respective apportionment of the corporation's state franchise or state
10 income tax liability as determined under the combined reporting method, if each
11 corporation filing a separate return pays its own apportionment of its state franchise
12 or state income tax liability.

13 (b) *Corporations with different accounting periods.* Corporations that are

14 required to file a combined report and that have different accounting periods shall
15 use the actual figures from the corporations' financial records to determine the
16 proper income and income-related computations to convert to a common accounting
17 period. Corporations that are required to file a combined report may use a
18 proportional method to convert income to a common accounting period if the results
19 of the proportional method do not materially misrepresent the income apportioned
20 to this state. The apportionment factors under ss. 71.25 and 71.45 and the tax credits
21 under ss. 71.28 and 71.47 shall be computed according to the same method used to
22 determine the income under ss. 71.26, 71.34 and 71.45 for the common accounting
23 period. If a corporation performs an interim closing of its financial records to
24 determine the income attributable to the common accounting period, the actual

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1 figures from the interim closing shall be used to convert the apportionment factors
2 to the common accounting period.

3 (c) *Designated agent.* If corporations that are subject to this section file a
4 combined report under par. (a), the parent corporation of the affiliated group shall
5 be the sole designated agent for each member of the affiliated group including the
6 parent corporation. The designated agent shall file the combined report under par.
7 (a), shall file for any extensions under s. 71.24 (7) or 71.44 (3), shall file amended
8 reports and claims for refund or credit, and shall send and receive all correspondence
9 with the department regarding a combined report. Any notice the department sends
10 to the designated agent is considered a notice sent to all members of the affiliated
11 group. Any refund shall be paid to and in the name of the designated agent and shall
12 discharge any liability of the state to any member of an affiliated group regarding
13 the refund. The affiliated group filing a combined report under par. (a) shall pay all
14 taxes, including estimated taxes, in the designated agent's name. The designated
15 agent shall participate on behalf of the affiliated group in any investigation or
16 hearing requested by the department regarding a combined report and shall produce
17 all information requested by the department regarding a combined report. The
18 designated agent may execute a power of attorney on behalf of the members of the
19 affiliated group. The designated agent shall execute waivers, closing agreements
20 and other documents regarding a report filed under par. (a) and any waiver,
21 agreement or document executed by the designated agent shall be considered as
22 executed by all members of the affiliated group. If the department acts in good faith
23 with an affiliated group member that represents itself as the designated agent for
24 the affiliated group but that affiliated group member is not the designated agent, any
25 action taken by the department with that affiliated group member has the same

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1 effect as if that affiliated group member were the actual designated agent for the
2 affiliated group.

3 (d) *Part-year members.* If a corporation becomes a member of an affiliated
4 group engaged in a unitary business or ceases to be a member of an affiliated group
5 engaged in a unitary business after the beginning of a common accounting period,
6 the corporation's income shall be apportioned to this state as follows:

7 1. If the corporation is required to file 2 short period federal returns for the
8 common accounting period, the income for the short period that the corporation was
9 a member of an affiliated group engaged in a unitary business shall be determined
10 by using the combined reporting method and the corporation shall join in filing a
11 combined report for that short period. The income for the remaining short period
12 shall be by separate reporting under s. 71.25 or 71.45. If the corporation becomes a
13 member of another affiliated group that is engaged in a unitary business in the
14 remaining short period, the corporation's income shall be determined for the
15 remaining short period by using the combined reporting method.

16 2. If the corporation is not required to file federal short period returns, the
17 corporation shall file a separate return. Income shall be determined as follows:

18 a. By the combined reporting method for any period that the corporation was
19 a member of an affiliated group that was engaged in a unitary business.

20 b. By separate reporting under s. 71.25 or 71.45 for any period that the
21 corporation was not a member of an affiliated group that was engaged in a unitary
22 business.

23 (e) *Amended combined report.* The election to file a combined report under this
24 section applies to an amended combined report that includes the same corporations

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1 that joined in the filing of the original combined report. Under this section, an
2 amended combined report shall be filed as follows:

3 1. If an election to file a combined report that is in effect for a taxable year is
4 revoked for the taxable year because the affiliated group that filed the combined
5 report is not a unitary business, as determined by the department, the designated
6 agent for the affiliated group may not file an amended combined report. The
7 designated agent and each corporation that joined in filing the combined report shall
8 file a separate amended return. To compute the tax due on a separate amended
9 return, a corporation that files a separate amended return shall consider all of the
10 payments, credits or other amounts, including refunds, that the designated agent
11 allocated to the corporation.

12 2. If a change in tax liability under this section is the result of the removal of
13 a corporation from an affiliated group because the corporation was not eligible to be
14 a member of the affiliated group for the taxable year, as determined by the
15 department, the designated agent shall file an amended combined report and the
16 ineligible corporation shall file a separate amended return.

17 3. If a corporation erroneously fails to join in the filing of a combined report,
18 the designated agent shall file an amended combined report that includes the
19 corporation. If a corporation that erroneously fails to join in the filing of a combined
20 report has filed a separate return, the corporation shall file an amended separate
21 return that shows no net income, overpayment or underpayment, and shows that the
22 corporation has joined in the filing of a combined report.

23 **(5) INCOME COMPUTATION UNDER COMBINED REPORTING.** Under the combined
24 reporting method, income attributable to this state shall be determined as follows:

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1 (a) Determine the net income of each corporation under s. 71.26, 71.34 (1) or
2 71.45, including a general or limited partner's share of income to the extent that the
3 general or limited partner and the partnership in which the general or limited
4 partner invests are engaged in a unitary business, regardless of the percentage of the
5 general or limited partner's ownership in the partnership.

6 (b) Adjust each corporation's income, as determined under par. (a), as provided
7 under s. 71.30.

8 (c) From the amount determined under par. (b), subtract intercompany
9 transactions such that intercompany accounts of assets, liabilities, equities, income,
10 costs or expenses are excluded from the determination of income to accurately reflect
11 the income, the apportionment factors and the tax credits in a combined report that
12 is filed under this section. Distributions of intercompany dividends that are paid
13 from nonbusiness earnings or nonbusiness profits, or distributions of intercompany
14 dividends that are paid from earnings or profits that are accumulated before the
15 payer corporation becomes a member of an affiliated group that is engaged in a
16 unitary business, may not be excluded from the income of the recipient corporation.
17 An intercompany distribution that exceeds the payer corporation's earnings or
18 profits or stock basis shall not be considered income from an intercompany sale of an
19 asset and shall not be excluded as income from an intercompany transaction.
20 Intercompany dividends that are paid from earnings or profits from a unitary
21 business income shall be considered as paid first from current earnings or profits and
22 then from accumulations from prior years in reverse order of accumulation. An
23 intercompany transaction includes the following:

24 1. Income from sales of inventory from one member of the affiliated group to
25 another member of the affiliated group.

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1 2. Gain or loss from sales of intangible assets from one member of the affiliated
2 group to another member of the affiliated group.

3 3. Gain or loss on sales of fixed assets or capitalized intercompany charges from
4 one member of the affiliated group to another member of the affiliated group.

5 4. Loans, advances, receivables and similar items that one member of the
6 affiliated group owes to another member of the affiliated group, including interest
7 income and interest expense related to these items.

8 5. Stock or other equity of one member of the affiliated group that is owned or
9 controlled by another member of the affiliated group.

10 6. Except as provided in par. (c) (intro.), intercompany dividends paid out of
11 earnings or profits from a unitary business income.

12 7. Annual rent paid by one member of the affiliated group to another member
13 of the affiliated group.

14 8. Management or service fees paid by one member of the affiliated group to
15 another member of the affiliated group.

16 9. Income or expenses allocated or charged by one member of the affiliated
17 group to another member of the affiliated group.

18 (d) From the amount determined under par. (c) for each corporation, subtract
19 nonbusiness income, net of related expenses, and add nonbusiness losses, net of
20 related expenses, to determine each corporation's apportionable net income or
21 apportionable net loss.

22 (e) Calculate the apportionment factors under sub. (6) and multiply each
23 corporation's apportionable net income or apportionable net loss, as determined
24 under par. (d), by the corporation's apportionment fraction as determined under s.
25 71.25 (6).

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1 (f) To the amount determined under par. (e), add each corporation's
2 nonbusiness income attributable to this state and subtract each corporation's
3 nonbusiness losses attributable to this state.

4 (g) To the amount determined under par. (f), subtract each corporation's net
5 business loss carry-forward under s. 71.26 (4) or 71.45 (4). A corporation may not
6 carry forward a business loss from taxable years ending before January 1, 2000, if
7 the corporation was not subject to this state's income or franchise tax for taxable
8 years ending before January 1, 2000.

9 **(6) APPORTIONMENT FACTOR COMPUTATION UNDER COMBINED REPORTING.** Under the
10 combined reporting method, this state's apportionment factors are determined as
11 follows:

12 (a) Determine the numerator and the denominator of each corporation's
13 apportionment factors as determined under s. 71.25 or 71.45, including a general or
14 limited partner's share of the numerator and the denominator of the apportionment
15 factors to the extent that the general or limited partner and the partnership in which
16 the general or limited partner invests are engaged in a unitary business, regardless
17 of the percentage of the general or limited partner's ownership in the partnership.

18 (b) Subtract intercompany transactions under sub. (5) (c) from both the
19 numerators and the denominators as determined under par. (b).

20 (c) Add the denominators of the apportionment factors for each corporation, as
21 determined under par. (b), to arrive at the combined denominators.

22 (d) Compute each corporation's apportionment factors by dividing the
23 corporation's numerator as determined under par. (b) by the combined denominator
24 as determined under par. (c).

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1 **(7) NET OPERATING LOSSES.** For the first 2 taxable years that a combined report
2 is filed under this section, the net operating loss for each member of an affiliated
3 group that files a combined report is determined by adding each member’s share of
4 nonbusiness income to each member’s share of business income and subtracting each
5 member’s share of nonbusiness loss from each member’s share of business loss.
6 Beginning with the 3rd taxable year that a combined report is filed under this
7 section, if a member of an affiliated group that files a combined report has a positive
8 net income as determined under sub. (5), the affiliated group shall only deduct the
9 amount of the net operating loss carry-forward attributable to that member.

10 **(8) ESTIMATED TAX PAYMENTS.** (a) For the first 2 taxable years that a combined
11 report is filed under this section, estimated taxes may be paid on a group basis or on
12 a separate basis. The amount of any separate estimated taxes paid in the first 2
13 taxable years that a combined report is filed shall be credited against the group’s tax
14 liability. The designated agent shall notify the department of any estimated taxes
15 paid on a separate basis in the first 2 taxable years that a combined report is filed.

16 (b) If a combined report is filed for 2 consecutive taxable years, estimated taxes
17 shall be paid on a group basis for each subsequent taxable year until such time as
18 separate returns are filed by the corporations that were members of an affiliated
19 group that filed combined reports under this section. For each taxable year in which
20 combined estimated payments are required under this subsection, the department
21 shall consider the affiliated group filing a combined report to be one taxpayer. If a
22 corporation subject to this section files a separate return in a taxable year following
23 a year in which the corporation joined in filing a combined report, the amount of any
24 estimated tax payments made on a group basis for the previous year shall be credited

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1 against the tax liability of the corporation that files a separate return, as allocated
2 by the designated agent with the department's approval.

3 (c) If an affiliated group pays estimated taxes on a group basis for a taxable year
4 or for any part of a taxable year, and the members of the affiliated group file separate
5 returns for the taxable year, the designated agent, with the department's approval,
6 shall allocate the estimated tax payments among the members of the affiliated
7 group.

8 (d) If estimated taxes are paid on a group basis for a taxable year but the group
9 does not file a combined report for the taxable year and did not file a combined report
10 for the previous taxable year, the estimated tax shall be credited to the corporation
11 that made the estimated tax payment on the group's behalf.

12 **(9) INTEREST FOR UNDERPAYMENT OF ESTIMATED TAX.** (a) *General.* The amount
13 of interest that is due for an underpayment of estimated taxes under sub. (8) shall
14 be computed as follows:

15 1. For the first year in which a combined report is filed, the amount of interest
16 that is due for an underpayment of estimated taxes shall be determined by using the
17 aggregate of the tax and income shown on the returns filled by the members of the
18 group for the previous year.

19 2. For estimated taxes paid under sub. (8) (c), the amount of interest that is due
20 from a group member for an underpayment of estimated taxes paid by the group
21 member shall be determined by using the group member's separate items from the
22 combined report filed for the previous year and the group member's allocated share
23 of the combined estimated payments for the current year. The designated agent shall
24 report the group member's allocated share of the combined estimated payments for
25 the current year to the department, in the manner prescribed by the department.

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1 (b) *Entering a group.* For a corporation that becomes a member of an affiliated
2 group during a common accounting period under sub. (3), the amount of interest that
3 is due for an underpayment of estimated taxes shall be allocated to the corporation
4 as follows:

5 1. If a corporation becomes a member of an affiliated group at the beginning
6 of a common accounting period, the corporation shall include with the corresponding
7 items on the combined report for the previous common accounting period the
8 separate items shown on the corporation's return for the previous taxable year.

9 2. If a corporation is not a member of an affiliated group for an entire common
10 accounting period, the corporation shall include with the corresponding items on the
11 combined report for the current taxable year the corporation's separate items for that
12 portion of the common accounting period that the corporation was a member of the
13 affiliated group.

14 3. To determine the separate items under subs. 1. and 2., if a corporation is
15 a member of an affiliated group during a portion of a common accounting period in
16 which the corporation becomes a member of another affiliated group, the
17 corporation's separate items shall include the separate items that are attributed to
18 the corporation by the designated agent of the first affiliated group.

19 (c) *Leaving a group.* For a corporation that leaves an affiliated group during
20 a common accounting period under sub. (3), the amount of interest that is due for an
21 underpayment of estimated taxes shall be allocated as follows:

22 1. The separate items attributed by the designated agent to the corporation for
23 the common accounting period during which the corporation leaves the affiliated
24 group shall be excluded from the corresponding items of the affiliated group for the

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1 current common accounting period and all the common accounting periods following
2 the corporation's departure from the affiliated group.

3 2. A corporation that leaves an affiliated group shall consider the separate
4 items attributed to the corporation by the designated agent of the affiliated group to
5 determine the amount of interest that is due from the corporation for an
6 underpayment of estimated taxes under sub. (8).

7 **(10) ASSESSMENT NOTICE.** If the department sends a notice of taxes that are
8 owed by an affiliated group to the designated agent, the notice shall name each
9 corporation that is a member of the affiliated group during any part of the period
10 covered by the notice. The department's failure to name a member of the affiliated
11 group on a notice under this subsection shall not invalidate the notice as to the
12 unnamed member of the affiliated group. Any levy, lien or other proceeding to collect
13 the amount of a tax assessment under this section shall name the corporation from
14 which the department shall collect the assessment. If a corporation that joined in
15 the filing of a combined report leaves the affiliated group, the department shall send
16 the corporation a copy of any notice sent to the affiliated group under this subsection
17 if the corporation notifies the department that the corporation is no longer a member
18 of the affiliated group and if the corporation requests in writing that the department
19 send notices under this subsection to the corporation. The department's failure to
20 comply with a corporation's request to receive a notice does not affect the tax liability
21 of the corporation.

22 **(11) LIABILITY FOR TAX, INTEREST AND PENALTY.** If members of an affiliated group
23 file a combined report, the members of the affiliated group shall be jointly and
24 severally liable for any combined tax, interest or penalty. The liability of a member
25 of an affiliated group for any combined tax, interest or penalty shall not be reduced

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1 by an agreement with another member of the affiliated group or by an agreement
2 with another person.

3 **(12) PRESUMPTIONS AND BURDEN OF PROOF.** An affiliated group shall be presumed
4 to be engaged in a unitary business and all of the income of the unitary business shall
5 be presumed to be apportionable business income under this section. A corporation,
6 partnership, limited liability company or tax-option corporation has the burden of
7 proving that it is not a member of an affiliated group that is subject to this section.
8 The department shall promulgate rules to implement this section.

9 **SECTION 1740.** 71.26 (1) (b) of the statutes is amended to read:

10 71.26 **(1) (b) Political units.** Income received by the United States, the state
11 and all counties, cities, villages, towns, school districts, technical college districts,
12 joint local water authorities created under s. 66.0735, family care districts under s.
13 46.2895 or other political units of this state.

14 **SECTION 1741.** 71.26 (3) (L) of the statutes is amended to read:

15 71.26 **(3) (L)** Section 265 is excluded and replaced by the rule that any amount
16 otherwise deductible under this chapter that is directly or indirectly related to
17 income wholly exempt from taxes imposed by this chapter or to losses from the sale
18 or other disposition of assets the gain from which would be exempt under this
19 paragraph if the assets were sold or otherwise disposed of at a gain is not deductible.
20 In this paragraph, “wholly exempt income”, for corporations subject to franchise or
21 income taxes, ~~includes amounts received from affiliated or subsidiary corporations~~
22 ~~for interest, dividends or capital gains that, because of the degree of common~~
23 ~~ownership, control or management between the payor and payee, are not subject to~~
24 taxes under this chapter. In this paragraph, “wholly exempt income”, for
25 corporations subject to income taxation under this chapter, also includes interest on

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1 obligations of the United States. In this paragraph, “wholly exempt income” does not
2 include income excludable, not recognized, exempt or deductible under specific
3 provisions of this chapter. If any expense or amount otherwise deductible is
4 indirectly related both to wholly exempt income or loss and to other income or loss,
5 a reasonable proportion of the expense or amount shall be allocated to each type of
6 income or loss, in light of all the facts and circumstances.

7 **SECTION 1742.** 71.28 (1dj) (am) 3. of the statutes is amended to read:

8 71.28 (1dj) (am) 3. Modify the rule for certification under section 51 (d) (16) (A)
9 of the internal revenue code to allow certification within the 90-day period beginning
10 with the first day of employment of the employe ~~by the claimant.~~

11 **SECTION 1743.** 71.28 (1dx) (b) 4. of the statutes is amended to read:

12 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
13 determined under s. 560.785 (1) ~~(b)~~ (bm) by the number of full-time jobs retained,
14 as provided in the rules under s. 560.785, excluding jobs for which a credit has been
15 claimed under sub. (1dj), in a an enterprise development zone under s. 560.797 and
16 ~~filled by a member of a targeted group for which significant capital investment was~~
17 made and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

18 **SECTION 1744.** 71.28 (2) of the statutes is amended to read:

19 71.28 (2) FARMLAND PRESERVATION CREDIT, FARMLAND PRESERVATION ACREAGE
20 CREDIT. The farmland preservation credit and the farmland preservation acreage
21 credit under subch. IX may be claimed against taxes otherwise due subject to the
22 provisions, requirements and conditions of that subchapter.

23 **SECTION 1745.** 71.28 (4) (a) of the statutes is amended to read:

24 71.28 (4) (a) *Credit*. Any corporation may credit against taxes otherwise due
25 under this chapter an amount equal to 5% of the amount obtained by subtracting

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1 from the corporation’s qualified research expenses, as defined in section 41 of the
2 internal revenue code, except that “qualified research expenses” includes only
3 expenses incurred by the claimant, incurred for research conducted in this state for
4 the taxable year, except that a taxpayer may elect the alternative computation under
5 section 41 (c) (4) of the Internal Revenue Code and that election applies until the
6 department permits its revocation and except that “qualified research expenses”
7 does not include compensation used in computing the credit under subs. (1dj) and
8 (1dx), the corporation’s base amount, as defined in section 41 (c) of the internal
9 revenue code, except that gross receipts used in calculating the base amount means
10 gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and,
11 (d), (dc), (dg), (dn) and (dr). Section 41 (h) of the internal revenue code does not apply
12 to the credit under this paragraph.

13 **SECTION 1746.** 71.28 (4) (am) 1. of the statutes is amended to read:

14 71.28 (4) (am) *Development zone additional research credit.* 1. In addition to
15 the credit under par. (a), any corporation may credit against taxes otherwise due
16 under this chapter an amount equal to 5% of the amount obtained by subtracting
17 from the corporation’s qualified research expenses, as defined in section 41 of the
18 internal revenue code, except that “qualified research expenses” include only
19 expenses incurred by the claimant in a development zone under subch. VI of ch. 560,
20 except that a taxpayer may elect the alternative computation under section 41 (c) (4)
21 of the Internal Revenue Code and that election applies until the department permits
22 its revocation and except that “qualified research expenses” do not include
23 compensation used in computing the credit under sub. (1dj) nor research expenses
24 incurred before the claimant is certified for tax benefits under s. 560.765 (3), the
25 corporation’s base amount, as defined in section 41 (c) of the internal revenue code,

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1 in a development zone, except that gross receipts used in calculating the base amount
2 means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and
3 2. ~~and, (d), (dc), (dg), (dn) and (dr)~~ and research expenses used in calculating the base
4 amount include research expenses incurred before the claimant is certified for tax
5 benefits under s. 560.765 (3), in a development zone, if the claimant submits with the
6 claimant's return a copy of the claimant's certification for tax benefits under s.
7 560.765 (3) and a statement from the department of commerce verifying the
8 claimant's qualified research expenses for research conducted exclusively in a
9 development zone. The rules under s. 73.03 (35) apply to the credit under this
10 subdivision. The rules under sub. (1d) (f) and (g) as they apply to the credit under
11 that subsection apply to claims under this subdivision. Section 41 (h) of the internal
12 revenue code does not apply to the credit under this subdivision.

13 **SECTION 1747.** 71.29 (2) of the statutes is amended to read:

14 71.29 (2) WHO SHALL PAY. ~~Every~~ Except as provided in s. 71.255 (8), a
15 corporation subject to tax under s. 71.23 (1) or (2) and every virtually exempt entity
16 subject to tax under s. 71.125 or 71.23 (1) or (2) shall pay an estimated tax.

17 **SECTION 1748.** 71.30 (3) (f) of the statutes is amended to read:

18 71.30 (3) (f) The total of farmers' drought property tax credit under s. 71.28
19 (1fd), farmland preservation credit and farmland preservation acreage credit under
20 subch. IX, farmland tax relief credit under s. 71.28 (2m) and estimated tax payments
21 under s. 71.29.

22 **SECTION 1749.** 71.44 (1) (e) of the statutes is created to read:

23 71.44 (1) (e) A corporation that is a member of an affiliated group, as defined
24 in s. 71.255 (1) (a), and engaged in a unitary business, as defined in s. 71.255 (1) (g),
25 shall file a tax return under s. 71.255.

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1 **SECTION 1750.** 71.45 (3) (intro.) of the statutes is amended to read:

2 71.45 (3) APPORTIONMENT. (intro.) ~~With~~ Except as provided in pars. (a) and (b),
3 with respect to domestic insurers not engaged in the sale of life insurance but which,
4 in the taxable year, have collected premiums written on subjects of insurance
5 resident, located or to be performed outside this state, there shall be subtracted from
6 the net income figure derived by application of sub. (2) (a) to arrive at Wisconsin
7 income constituting the measure of the franchise tax an amount calculated by
8 multiplying such adjusted federal taxable income by the arithmetic average of the
9 following 2 percentages:

10 **SECTION 1751.** 71.45 (3) (a) of the statutes is amended to read:

11 71.45 (3) (a) The percentage of total premiums written on all property and risks
12 other than life insurance, wherever located during the taxable year, as reflects
13 premiums written on insurance, other than life insurance, where the subject of
14 insurance was resident, located or to be performed outside this state. For taxable
15 years beginning after December 31, 1999, the premiums percentage under this
16 paragraph is the only percentage applied to the apportionment calculations in this
17 paragraph and in sub. (3m).

18 **SECTION 1752.** 71.45 (3) (b) of the statutes is renumbered 71.45 (3) (b) 1. and
19 amended to read:

20 71.45 (3) (b) 1. The percentage of total payroll, exclusive of life insurance
21 payroll, paid everywhere in the taxable year as reflects such compensation paid
22 outside this state. The payroll percentage under this paragraph does not apply to
23 the apportionment calculations under this paragraph and under sub. (3m) for
24 taxable years beginning after December 31, 1999.

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1 2. Compensation is paid outside this state if the individual's service is
2 performed entirely outside this state; or the individual's service is performed both
3 within and without this state, but the service performed within is incidental to the
4 individual's service without this state; or some service is performed without this
5 state and the base of operations, or if there is no base of operations, the place from
6 which the service is directed or controlled is without this state, or the base of
7 operations or the place from which the service is directed or controlled is not in any
8 state in which some part of the service is performed, but the individual's residence
9 is outside this state.

10 **SECTION 1753.** 71.45 (3m) of the statutes is amended to read:

11 71.45 (3m) ARITHMETIC AVERAGE. The Except as provided in pars. (a) and (b),
12 the arithmetic average of the 2 percentages referred to in sub. (3) shall be applied to
13 the net income figure arrived at by the successive application of sub. (2) (a) and (b)
14 with respect to Wisconsin insurers to which sub. (2) (a) and (b) applies and which
15 have collected premiums written upon insurance, other than life insurance, where
16 the subject of such insurance was resident, located or to be performed outside this
17 state, to arrive at Wisconsin income constituting the measure of the franchise tax.

18 **SECTION 1754.** 71.46 (3) of the statutes is repealed.

19 **SECTION 1755.** 71.47 (1dj) (am) 3. of the statutes is amended to read:

20 71.47 (1dj) (am) 3. Modify the rule for certification under section 51 (d) (16) (A)
21 of the internal revenue code to allow certification within the 90-day period beginning
22 with the first day of employment of the employe ~~by the claimant.~~

23 **SECTION 1756.** 71.47 (1dx) (b) 4. of the statutes is amended to read:

24 71.47 (1dx) (b) 4. The amount determined by multiplying the amount
25 determined under s. 560.785 (1) ~~(b)~~ (bm) by the number of full-time jobs retained,

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1 as provided in the rules under s. 560.785, excluding jobs for which a credit has been
2 claimed under sub. (1dj), in a an enterprise development zone under s. 560.797 and
3 filled by a member of a targeted group for which significant capital investment was
4 made and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

5 **SECTION 1757.** 71.47 (2) of the statutes is amended to read:

6 71.47 (2) FARMLAND PRESERVATION CREDIT, FARMLAND PRESERVATION ACREAGE
7 CREDIT. The farmland preservation credit and the farmland preservation acreage
8 credit under subch. IX may be claimed against taxes otherwise due.

9 **SECTION 1758.** 71.47 (4) (a) of the statutes is amended to read:

10 71.47 (4) (a) *Credit.* Any corporation may credit against taxes otherwise due
11 under this chapter an amount equal to 5% of the amount obtained by subtracting
12 from the corporation's qualified research expenses, as defined in section 41 of the
13 internal revenue code, except that "qualified research expenses" includes only
14 expenses incurred by the claimant, incurred for research conducted in this state for
15 the taxable year, except that a taxpayer may elect the alternative computation under
16 section 41 (c) (4) of the Internal Revenue Code and that election applies until the
17 department permits its revocation and except that "qualified research expenses"
18 does not include compensation used in computing the credit under subs. (1dj) and
19 (1dx), the corporation's base amount, as defined in section 41 (c) of the internal
20 revenue code, except that gross receipts used in calculating the base amount means
21 gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2. and,
22 (d), (dc), (dg), (dn) and (dr). Section 41 (h) of the internal revenue code does not apply
23 to the credit under this paragraph.

24 **SECTION 1759.** 71.47 (4) (am) of the statutes is amended to read:

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1 71.47 (4) (am) *Development zone additional research credit.* In addition to the
2 credit under par. (a), any corporation may credit against taxes otherwise due under
3 this chapter an amount equal to 5% of the amount obtained by subtracting from the
4 corporation's qualified research expenses, as defined in section 41 of the internal
5 revenue code, except that "qualified research expenses" include only expenses
6 incurred by the claimant in a development zone under subch. VI of ch. 560, except
7 that a taxpayer may elect the alternative computation under section 41 (c) (4) of the
8 Internal Revenue Code and that election applies until the department permits its
9 revocation and except that "qualified research expenses" do not include
10 compensation used in computing the credit under sub. (1dj) nor research expenses
11 incurred before the claimant is certified for tax benefits under s. 560.765 (3), the
12 corporation's base amount, as defined in section 41 (c) of the internal revenue code,
13 in a development zone, except that gross receipts used in calculating the base amount
14 means gross receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and
15 2. and, (d), (dc), (dg), (dn) and (dr) and research expenses used in calculating the base
16 amount include research expenses incurred before the claimant is certified for tax
17 benefits under s. 560.765 (3), in a development zone, if the claimant submits with the
18 claimant's return a copy of the claimant's certification for tax benefits under s.
19 560.765 (3) and a statement from the department of commerce verifying the
20 claimant's qualified research expenses for research conducted exclusively in a
21 development zone. The rules under s. 73.03 (35) apply to the credit under this
22 paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under
23 that subsection apply to claims under this paragraph. Section 41 (h) of the internal
24 revenue code does not apply to the credit under this paragraph. No credit may be
25 claimed under this paragraph for taxable years that begin on January 1, 1998, or

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1 thereafter. Credits under this paragraph for taxable years that begin before January
2 1, 1998, may be carried forward to taxable years that begin on January 1, 1998, or
3 thereafter.

4 **SECTION 1760.** 71.48 of the statutes is amended to read:

5 **71.48 Payments of estimated taxes.** Sections Except as provided in s.
6 71.255 (8), ss. 71.29 and 71.84 (2) shall apply to insurers subject to taxation under
7 this chapter.

8 **SECTION 1761.** 71.49 (1) (f) of the statutes is amended to read:

9 71.49 (1) (f) The total of farmers' drought property tax credit under s. 71.47
10 (1fd), farmland preservation credit and farmland preservation acreage credit under
11 subch. IX, farmland tax relief credit under s. 71.47 (2m) and estimated tax payments
12 under s. 71.48.

13 **SECTION 1762.** 71.54 (1) (d) (intro.) of the statutes is amended to read:

14 71.54 (1) (d) *1991 and thereafter to 1999.* (intro.) The amount of any claim filed
15 in 1991 ~~and thereafter~~ to 1999 and based on property taxes accrued or rent
16 constituting property taxes accrued during the previous year is limited as follows:

17 **SECTION 1763.** 71.54 (1) (e) of the statutes is created to read:

18 71.54 (1) (e) *2000 and thereafter.* The amount of any claim filed in 2000 and
19 thereafter and based on property taxes accrued or rent constituting property taxes
20 accrued during the previous year is limited as follows:

21 1. If the household income was \$8,000 or less in the year to which the claim
22 relates, the claim is limited to 80% of the property taxes accrued or rent constituting
23 property taxes accrued or both in that year on the claimant's homestead.

24 2. If the household income was more than \$8,000 in the year to which the claim
25 relates, the claim is limited to 80% of the amount by which the property taxes accrued

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1 or rent constituting property taxes accrued or both in that year on the claimant's
2 homestead exceeds 11.8% of the household income exceeding \$8,000.

3 3. No credit may be allowed if the household income of a claimant exceeds
4 \$20,290.

5 **SECTION 1764.** 71.54 (2) (a) (intro.) of the statutes is amended to read:

6 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes
7 accrued shall be reduced by one-twelfth for each month or portion of a month for
8 which the claimant received relief from any county under s. 59.53 (21) equal to or in
9 excess of \$400, participated in Wisconsin works under s. 49.147 (4) or (5) or 49.148
10 (1m) or received assistance under s. 49.19, except assistance received:

11 **SECTION 1765.** 71.58 (8) of the statutes is amended to read:

12 71.58 (8) "Property taxes accrued" means property taxes, exclusive of special
13 assessments, delinquent interest and charges for service, levied on the farmland and
14 improvements owned by the claimant or any member of the claimant's household in
15 any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the
16 property by s. 79.10. "Property taxes accrued" shall not exceed ~~\$6,000~~ the amount
17 described as the maximum excessive property tax in s. 71.60 (1) (a). If farmland is
18 owned by a tax-option corporation, a limited liability company or by 2 or more
19 persons or entities as joint tenants, tenants in common or partners or is marital
20 property or survivorship marital property and one or more such persons, entities or
21 owners is not a member of the claimant's household, "property taxes accrued" is that
22 part of property taxes levied on the farmland, reduced by the tax credit under s.
23 79.10, that reflects the ownership percentage of the claimant and the claimant's
24 household. For purposes of this subsection, property taxes are "levied" when the tax
25 roll is delivered to the local treasurer for collection. If farmland is sold during the

SENATE BILL 45**SECTION 1765**

1 calendar year of the levy the “property taxes accrued” for the seller is the amount of
2 the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing
3 agreement pertaining to the sale of the farmland, except that if the seller does not
4 reimburse the buyer for any part of those property taxes there are no “property taxes
5 accrued” for the seller, and the “property taxes accrued” for the buyer is the property
6 taxes levied on the farmland, reduced by the tax credit under s. 79.10, minus, if the
7 seller reimburses the buyer for part of the property taxes, the amount prorated to the
8 seller in the closing agreement. With the claim for credit under this subchapter, the
9 seller shall submit a copy of the closing agreement and the buyer shall submit a copy
10 of the closing agreement and a copy of the property tax bill.

11 **SECTION 1766.** 71.59 (1) (a) of the statutes is amended to read:

12 71.59 (1) (a) Subject to the limitations provided in this subchapter and s. 71.80
13 (3) and (3m), a claimant may claim as a credit against Wisconsin income or franchise
14 taxes otherwise due, the amount derived under s. 71.60 or the amount derived under
15 s. 71.605, or both. If the allowable amount of claim exceeds the income or franchise
16 taxes otherwise due on or measured by the claimant’s income or if there are no
17 Wisconsin income or franchise taxes due on or measured by the claimant’s income,
18 the amount of the claim not used as an offset against income or franchise taxes shall
19 be certified to the department of administration for payment to the claimant by
20 check, share draft or other draft drawn on the general fund.

21 **SECTION 1767.** 71.59 (1) (b) (intro.) of the statutes is amended to read:

22 71.59 (1) (b) (intro.) Every claimant under this ~~subchapter~~ section and s. 71.60
23 shall supply, at the request of the department, in support of the claim, all of the
24 following:

25 **SECTION 1768.** 71.59 (1) (b) 5. of the statutes is created to read:

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1 71.59 (1) (b) 5. A copy of a certificate of compliance, issued by the land
2 conservation committee of each of the counties that have jurisdiction over the
3 farmland, that certifies that the soil and water standards that apply to the farmland
4 under s. 92.105 (1), (2) and (3) are being met.

5 **SECTION 1769.** 71.59 (1) (c) of the statutes is amended to read:

6 71.59 (1) (c) A farmland preservation agreement submitted under par. (b) 3.
7 shall contain provisions specified under s. 91.13 (8) including either a provision
8 requiring farming operations to be conducted in substantial accordance with a soil
9 and water conservation plan prepared under s. 92.104, 1997 stats., or a provision
10 requiring farming operations to be conducted in compliance with reasonable soil and
11 water conservation standards established under s. 92.105.

12 **SECTION 1770.** 71.59 (1) (d) (intro.) of the statutes is amended to read:

13 71.59 (1) (d) (intro.) ~~The certificate of the zoning authority~~ submitted under
14 par. (b) ~~3.~~ 5. shall certify:

15 **SECTION 1771.** 71.59 (1) (d) 1. of the statutes is amended to read:

16 71.59 (1) (d) 1. That the lands are within the boundaries of an agricultural
17 zoning district which is part of an adopted ordinance meeting the standards of subch.
18 V of ch. 91 and certified under s. 91.06, 1997 stats.

19 **SECTION 1772.** 71.59 (2) (intro.) of the statutes is amended to read:

20 71.59 (2) INELIGIBLE CLAIMS. (intro.) No credit shall be allowed under this
21 subchapter ~~section~~ and s. 71.60:

22 **SECTION 1773.** 71.59 (2) (b) of the statutes is amended to read:

23 71.59 (2) (b) If a notice of noncompliance with an applicable soil and water
24 conservation plan under s. 92.104, 1997 stats., is in effect with respect to the
25 claimant at the time the claim is filed.

SENATE BILL 45**SECTION 1774**

1 **SECTION 1774.** 71.59 (2) (d) of the statutes is amended to read:

2 71.59 **(2)** (d) For property taxes accrued on farmland zoned for exclusive
3 agricultural use under an ordinance certified under ~~subch. V of ch. 91 s. 91.06, 1997~~
4 stats., which is granted a special exception or conditional use permit for a use which
5 is not an agricultural use, as defined in s. 91.01 (1).

6 **SECTION 1775.** 71.60 (1) (a) of the statutes is amended to read:

7 71.60 **(1)** (a) The amount of excessive property taxes shall be computed by
8 subtracting from property taxes accrued the amount of 7% of the 2nd \$5,000 of
9 household income plus 9% of the 3rd \$5,000 of household income plus 11% of the 4th
10 \$5,000 of household income plus 17% of the 5th \$5,000 of household income plus 27%
11 of the 6th \$5,000 of household income plus 37% of household income in excess of
12 \$30,000. The maximum excessive property tax which can be utilized is \$6,000 for
13 claims that are calculated under par. (b) and the maximum excessive property tax
14 which can be utilized is \$4,000 for claims that are calculated under par. (bm).

15 **SECTION 1776.** 71.60 (1) (b) of the statutes is amended to read:

16 71.60 **(1)** (b) The Except as provided in par. (bm), the credit allowed under s.
17 71.59 and this subchapter section shall be limited to 90% of the first \$2,000 of
18 excessive property taxes plus 70% of the 2nd \$2,000 of excessive property taxes plus
19 50% of the 3rd \$2,000 of excessive property taxes. The maximum credit shall not
20 exceed \$4,200 for any claimant. The credit for any claimant shall be the greater of
21 either the credit as calculated under this subchapter as it exists at the end of the year
22 for which the claim is filed or as it existed on the date on which the farmland became
23 subject to a current agreement under subch. II ~~or III~~ of ch. 91 or under subch. III of
24 ch. 91, 1997 stats., using for such calculations household income and property taxes
25 accrued of the year for which the claim is filed.

SENATE BILL 45**SECTION 1777**

1 **SECTION 1777.** 71.60 (1) (bm) of the statutes is created to read:

2 71.60 (1) (bm) For new claims that are filed under s. 71.59 and this section that
3 relate to taxable years beginning after December 31, 2000, the credit allowed shall
4 be limited to 40% of the first \$2,000 of excessive property taxes plus 60% of the next
5 \$1,000 of excessive property taxes plus 70% of the next \$1,000 of excessive property
6 taxes. The maximum credit shall not exceed \$2,100 for any claimant who files a claim
7 to which this paragraph applies. The credit for any claimant shall be the greater of
8 either the credit as calculated under this subchapter as it exists at the end of the year
9 for which the claim is filed or as it existed on the date on which the farmland became
10 subject to a current certificate that is described in s. 71.59 (1) (b) 5., using for such
11 calculations household income and property taxes accrued of the year for which the
12 claim is filed.

13 **SECTION 1778.** 71.60 (1) (c) 1. to 3. of the statutes are amended to read:

14 71.60 (1) (c) 1. If the farmland is located in a county which has a ~~certified~~ an
15 agricultural preservation plan certified under ~~subch. IV of ch. 91 s. 91.06, 1997 stats.,~~
16 at the close of the year for which credit is claimed and is in an area zoned by a county,
17 city or village for exclusive agricultural use under ch. 91 at the close of such year, the
18 amount of the claim shall be that as specified in par. (b).

19 2. If the farmland is subject to a transition area agreement under subch. II of
20 ch. 91 on July 1 of the year for which credit is claimed, or the claimant had applied
21 for such an agreement before July 1 of such year and the agreement has subsequently
22 been executed, and the farmland is located in a city or village which has a ~~certified~~
23 an exclusive agricultural use zoning ordinance certified under ~~subch. V of ch. 91 s.~~
24 91.06, 1997 stats., in effect at the close of the year for which credit is claimed, or in
25 a town which is subject to a ~~certified~~ county exclusive agricultural use zoning

SENATE BILL 45**SECTION 1778**

1 ordinance certified under ~~subch. V of ch. 91 s. 91.06, 1997 stats.,~~ in effect at the close
2 of the year for which credit is claimed, the amount of the claim shall be that as
3 specified in par. (b).

4 3. If the claimant or any member of the claimant's household owns farmland
5 which is ineligible for credit under subd. 1. or 2. but was subject to a farmland
6 preservation agreement under subch. III of ch. 91, 1997 stats., on July 1 of the year
7 for which credit is claimed, or the owner had applied for such an agreement before
8 July 1 of such year and the agreement has subsequently been executed, and if the
9 owner has applied by the end of the year in which conversion under s. 91.41, 1997
10 stats., is first possible for conversion of the agreement to a transition area agreement
11 under subch. II of ch. 91, and the transition area agreement has subsequently been
12 executed, and the farmland is located in a city or village which has a certified an
13 exclusive agricultural use zoning ordinance certified under ~~subch. V of ch. 91 s.~~
14 91.06, 1997 stats., in effect at the close of the year for which credit is claimed, or in
15 a town which is subject to a certified county exclusive agricultural use zoning
16 ordinance certified under ~~subch. V of ch. 91 s. 91.06, 1997 stats.,~~ in effect at the close
17 of the year for which credit is claimed, the amount of the claim shall be that specified
18 in par. (b).

19 **SECTION 1779.** 71.60 (1) (c) 5. to 8. of the statutes are amended to read:

20 71.60 (1) (c) 5. If the claimant or any member of the claimant's household owns
21 farmland which is ineligible for credit under subds. 1. to 4. but was subject to a
22 farmland preservation agreement under subch. III of ch. 91, 1997 stats., on July 1
23 of the year for which credit is claimed, or the owner had applied for such an
24 agreement before July 1 of such year and the agreement has subsequently been
25 executed, and if the owner has applied by the end of the year in which conversion

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1 under s. 91.41, 1997 stats., is first possible for conversion of the agreement to an
2 agreement under subch. II of ch. 91, and the agreement under subch. II of ch. 91 has
3 subsequently been executed, the amount of the claim shall be limited to 80% of that
4 specified in par. (b).

5 6. If the farmland is located in an agricultural district under a ~~certified~~ county
6 agricultural preservation plan certified under ~~subch. IV of ch. 91 s. 91.06, 1997 stats.~~,
7 at the close of the year for which credit is claimed, and is located in an area zoned for
8 exclusive agricultural use under a ~~certified~~ town ordinance certified under ~~subch. V~~
9 ~~of ch. 91 s. 91.06, 1997 stats.~~, at the close of such year, the amount of the claim shall
10 be the amount specified in par. (b).

11 6m. If the farmland is located in an agricultural district under a ~~certified~~
12 county agricultural preservation plan certified under ~~subch. IV of ch. 91 s. 91.06,~~
13 1997 stats., at the close of the year for which credit is claimed, and is located in an
14 area zoned for exclusive agricultural use under a ~~certified~~ county or town ordinance
15 certified under ~~subch. V of ch. 91 s. 91.06, 1997 stats.~~, for part of a year but not at
16 the close of that year because the farmland became subject to a city or village
17 extraterritorial zoning ordinance under s. 62.23 (7a), the amount of the claim shall
18 be equal to the amount that the claim would have been under this section if the
19 farmland were subject to a certified county or town exclusive agricultural use
20 ordinance at the close of the year.

21 7. If the farmland is located in an area zoned for exclusive agricultural use
22 under a ~~certified~~ county, city or village ordinance certified under ~~subch. V of ch. 91~~
23 s. 91.06, 1997 stats., at the close of the year for which credit is claimed, but the county
24 in which the farmland is located has not adopted an agricultural preservation plan

SENATE BILL 45**SECTION 1779**

1 under subch. IV of ch. 91, 1997 stats., by the close of such year, the amount of the
2 claim shall be limited to 70% of that specified in par. (b).

3 8. If the farmland is subject to a farmland preservation agreement under subch.
4 III of ch. 91, 1997 stats., on July 1 of the year for which credit is claimed or the
5 claimant had applied for such an agreement before July 1 of such year and the
6 agreement has subsequently been executed, the amount of the claim shall be limited
7 to 50% of that specified in par. (b).

8 **SECTION 1780.** 71.60 (2) of the statutes is renumbered 71.60 (2) (a) and
9 amended to read:

10 71.60 (2) (a) If For taxable years beginning before January 1, 2001, if the
11 farmland is subject to a certified an ordinance certified under subch. V of ch. 91 s.
12 91.06, 1997 stats., or an agreement under subch. II of ch. 91, in effect at the close of
13 the year for which the credit is claimed, the amount of the claim is 10% of the property
14 taxes accrued or the amount determined under sub. (1), whichever is greater.

15 **SECTION 1781.** 71.60 (2) (b) of the statutes is created to read:

16 71.60 (2) (b) For taxable years beginning after December 31, 2000, if the
17 farmland is subject to a certificate of compliance that is described under s. 71.59 (1)
18 (b) 5. and that is in effect at the close of the year for which the credit is claimed, the
19 amount of the claim is 10% of the property taxes accrued or the amount determined
20 under sub. (1), whichever is greater.

21 **SECTION 1782.** 71.605 of the statutes is created to read:

22 **71.605 Farmland preservation acreage credit. (1) DEFINITIONS.** In this
23 section:

24 (a) "Development rights" means a holder's nonpossessory interest in farmland
25 that imposes a limitation or affirmative obligation the purpose of which is to retain

SENATE BILL 45**SECTION 1782**

1 or protect natural, scenic or open space values of farmland, assuring the availability
2 of farmland for agricultural, forest, wildlife habitat or open space use, protecting
3 natural resources or maintaining or enhancing air or water quality.

4 (b) "Nonprofit entity" means an entity that is described in section 501 (c) (3) of
5 the Internal Revenue Code and is exempt from federal income tax under section 501
6 (a) of the Internal Revenue Code.

7 (c) "Political subdivision" means a city, village, town or county.

8 **(2) CALCULATION.** If the claimant sells, donates or otherwise transfers the
9 development rights to farmland for which a credit is claimed under this section to the
10 state or to a political subdivision, or to a nonprofit entity, the credit may be calculated
11 as follows:

12 (a) If farming rights are retained on such farmland, the credit shall be 50 cents
13 for each acre that the claimant sells, donates or otherwise transfers.

14 (b) If farming rights are not retained on such farmland, the credit shall be 30
15 cents for each acre that the claimant sells, donates or otherwise transfers.

16 **(3) LIMITATIONS.** (a) If a claimant sells, donates or otherwise transfers
17 development rights under sub. (2) to a nonprofit entity, the credit under this section
18 may not be claimed unless the entity enters into a signed agreement with the
19 department of agriculture, trade and consumer protection that contains all of the
20 following:

21 1. Standards for the management of the farmland, the development rights to
22 which are to be acquired.

23 2. A prohibition against using the development rights to the farmland which
24 are to be acquired as security for any debt unless the department of agriculture, trade
25 and consumer protection approves the incurring of the debt.

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1 3. A clause that any subsequent sale, donation or other transfer of the
2 development rights to the farmland which are to be acquired is subject to pars. (b)
3 and (e).

4 (b) The nonprofit entity may subsequently sell, donate or otherwise transfer
5 the acquired development rights to the farmland to the state or to a city, village, town
6 or county, or to a 3rd party other than a creditor if the 3rd party is also a nonprofit
7 entity, except that a sale, donation or transfer to another nonprofit entity may occur
8 only if all of the following apply:

9 1. The department of agriculture, trade and consumer protection approves the
10 subsequent sale, donation or transfer.

11 2. The party to whom the development rights are sold, donated or transferred
12 enters into a new contract with the department of agriculture, trade and consumer
13 protection under par. (a).

14 (c) The nonprofit entity may subsequently sell, donate or transfer the acquired
15 development rights to satisfy a debt or other obligation if the department of
16 agriculture, trade and consumer protection approves the sale, donation or transfer.

17 (d) The nonprofit entity may subsequently develop the property, with the
18 written consent of the owner of the property and with the written consent of the
19 department of agriculture, trade and consumer protection, in a way that retains or
20 protects natural, scenic or open space values of farmland, assuring the availability
21 of farmland for agricultural, forest, wildlife habitat or open space use, protecting
22 natural resources or maintaining or enhancing air or water quality.

23 (e) If the nonprofit entity violates any essential provision of the contract, the
24 development rights that were acquired shall vest in the state.

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1 (f) The instrument conveying the development rights to the nonprofit entity
2 shall state the interest of the state under par. (e). The contract entered into under
3 par. (a) and the instrument of conveyance shall be recorded in the office of the register
4 of deeds of each county in which the farmland is located.

5 (fm) The credit under this section may be claimed only by the person who owns
6 the farmland when the development rights are initially transferred as described in
7 sub. (2).

8 (g) The credit under this section may not be claimed until the claimant files
9 with the register of deeds of each county in which the farmland is located the
10 certificate that verifies that the development rights to the farmland have been
11 transferred as described in sub. (2).

12 (h) Section 71.59 (2) (a) and (e), to the extent that it applies to the credit under
13 ss. 71.59 and 71.60, applies to the credit under this section.

14 (i) If a claimant sells, donates or otherwise transfers development rights under
15 sub. (2) to a political subdivision, the political subdivision may develop the farmland
16 only in a way that is consistent with a comprehensive plan under s. 66.0295.

17 **(4) SUNSET.** No new claims may be filed under this section for taxable years that
18 begin after December 31, 2002.

19 **SECTION 1783.** 71.61 (6) of the statutes is created to read:

20 71.61 **(6) SUNSET.** (a) For claims that are filed under s. 71.59 and computed
21 under s. 71.60 for taxable years that begin after December 31, 2000, based on
22 property taxes that are accrued in the previous calendar year, ss. 71.59 (1) (b) 3. and
23 (d) 1. to 4. and 71.60 (1) (c) do not apply.

24 (b) No new claims may be filed under s. 71.59 and computed under s. 71.60 for
25 taxable years that begin after December 31, 2002.

SENATE BILL 45**SECTION 1784**

1 **SECTION 1784.** 71.64 (9) (b) of the statutes is renumbered 71.64 (9) (b) (intro.)
2 and amended to read:

3 71.64 **(9)** (b) (intro.) The department shall from time to time adjust the
4 withholding tables to reflect any changes in income tax rates, any applicable surtax
5 or any changes in dollar amounts in s. 71.06 (1), (1m), (1n), (1p) and (2) resulting from
6 statutory changes, except ~~that the~~ as follows:

7 1. The department may not adjust the withholding tables to reflect the changes
8 in rates in s. 71.06 (1m) and (2) (c) and (d) and any changes in dollar amounts with
9 respect to bracket indexing under s. 71.06 (2e), with respect to changes in rates under
10 s. 71.06 (1m) and (2) (c) and (d), and with respect to standard deduction indexing
11 under s. 71.05 (22) (ds) for any taxable year that begins before January 1, 2000.

12 (c) The tables shall account for the working families tax credit under s. 71.07
13 (5m), subject to s. 71.07 (5m) (e). The tables shall be extended to cover from zero to
14 10 withholding exemptions, shall assume that the payment of wages in each pay
15 period will, when multiplied by the number of pay periods in a year, reasonably
16 reflect the annual wage of the employe from the employer and shall be based on the
17 further assumption that the annual wage will be reduced for allowable deductions
18 from gross income. The department may determine the length of the tables and a
19 reasonable span for each bracket. In preparing the tables the department shall
20 adjust all withholding amounts not an exact multiple of 10 cents to the next highest
21 figure that is a multiple of 10 cents. The department shall also provide instructions
22 with the tables for withholding with respect to quarterly, semiannual and annual pay
23 periods.

24 **SECTION 1785.** 71.64 (9) (b) 2. of the statutes is created to read:

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1 71.64 (9) (b) 2. The department shall adjust the withholding tables to reflect
2 the changes in rates in s. 71.06 (1n), (1p) and (2) (e), (f), (g) and (h) and any changes
3 in dollar amounts with respect to bracket indexing, with respect to changes in rates
4 under s. 71.06 (1p) and (2) (g) and (h) on July 1, 2000.

5 **SECTION 1786.** 71.67 (4) (a) of the statutes is amended to read:

6 71.67 (4) (a) The administrator of the lottery division in the department under
7 ch. 565 shall withhold from any lottery prize of \$2,000 or more an amount determined
8 by multiplying the amount of the prize by the highest rate applicable to individuals
9 under s. 71.06 (1) ~~or~~, (1m), (1n) or (1p). The administrator shall deposit the amounts
10 withheld, on a monthly basis, as would an employer depositing under s. 71.65 (3) (a).

11 **SECTION 1787.** 71.67 (5) (a) of the statutes is amended to read:

12 71.67 (5) (a) *Wager winnings.* A person holding a license to sponsor and
13 manage races under s. 562.05 (1) (b) or (c) shall withhold from the amount of any
14 payment of pari-mutuel winnings under s. 562.065 (3) (a) or (3m) (a) an amount
15 determined by multiplying the amount of the payment by the highest rate applicable
16 to individuals under s. 71.06 (1) (a) to (c) ~~or~~, (1m), (1n) or (1p) if the amount of the
17 payment is more than \$1,000.

18 **SECTION 1788.** 71.75 (8) of the statutes is amended to read:

19 71.75 (8) A refund payable on the basis of a separate return shall be issued to
20 the person who filed the return. A refund payable on the basis of a joint return shall
21 be issued jointly to the persons who filed the return, except that, if a judgment of
22 divorce under ch. 767 apportions any refund that may be due the formerly married
23 persons to one of the former spouses, or between the spouses, and if they include with
24 their income tax return a copy of that portion of the judgment of divorce that relates
25 to the apportionment of their tax refund, the department shall issue the refund to

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1 the person to whom the refund is awarded under the terms of the judgment of divorce
2 or the department shall issue one check to each of the former spouses according to
3 the apportionment terms of the judgment.

4 **SECTION 1789.** 71.84 (2) (a) of the statutes is amended to read:

5 71.84 (2) (a) Except as provided in s. 71.29 (7), in the case of any underpayment
6 of estimated tax under s. 71.255, 71.29 or 71.48 there shall be added to the aggregate
7 tax for the taxable year interest at the rate of 12% per year on the amount of the
8 underpayment for the period of the underpayment. For corporations, except as
9 provided in par. (b), "period of the underpayment" means the time period from the
10 due date of the instalment until either the 15th day of the 3rd month beginning after
11 the end of the taxable year or the date of payment, whichever is earlier. If 90% of the
12 tax shown on the return is not paid by the 15th day of the 3rd month following the
13 close of the taxable year, the difference between that amount and the estimated taxes
14 paid, along with any interest due, shall accrue delinquent interest under s. 71.91 (1)
15 (a).

16 **SECTION 1790.** 71.93 (1) (a) 3. of the statutes is amended to read:

17 71.93 (1) (a) 3. An amount that the department of health and family services
18 may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and
19 family services has certified the amount under s. 49.85.

20 **SECTION 1791.** 73.01 (1) (b) of the statutes is amended to read:

21 73.01 (1) (b) "Small claims" is a matter in which "Summary proceeding" means
22 a matter in which the amount in controversy, including any penalty, after the
23 department of revenue takes its final action on the petition for redetermination is
24 less than ~~\$2,500~~ \$100,000 unless the commission on its own motion determines that
25 the case not be heard as a ~~small claims case~~ summary proceeding, or unless the

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1 department of revenue ~~determines or a party petitioning for review alleges that the~~
2 ~~case involves a constitutional issue or alleges~~ that the case has statewide
3 significance.

4 **SECTION 1792.** 73.01 (3) (a) of the statutes is amended to read:

5 73.01 (3) (a) ~~The time and place of meetings and hearings~~ Hearings of the
6 commission shall be at times designated by the chairperson and held in any of the
7 following cities: Appleton, Eau Claire, LaCrosse, Madison, Milwaukee and Wausau.
8 Rooms for hearings outside the city of Madison shall be provided under s. 73.07. All
9 hearings held in Milwaukee shall be held in the southeast district office of the
10 department of natural resources. The commission shall maintain permanent
11 hearing rooms in Madison.

12 **SECTION 1793.** 73.01 (4) (a) of the statutes is amended to read:

13 73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,
14 the commission shall be the final authority for the hearing and determination of all
15 questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.
16 70.11 (21), 70.38 (4) (a), 70.397, 70.64, 70.75, 70.85 and 70.995 (8), s. 76.38 (12) (a),
17 1993 stats., ss. 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22,
18 78.40, 78.555, 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76 and 139.78,
19 subch. XIV of ch. 71 and subch. VII of ch. 77. Whenever with respect to a pending
20 appeal there is filed with the commission a stipulation signed by the department of
21 revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance,
22 modification or reversal of the department's position with respect to some or all of the
23 issues raised in the appeal, the commission shall enter an order affirming or
24 modifying in whole or in part, or canceling the assessment appealed from, or allowing
25 in whole or in part or denying the petitioner's refund claim, as the case may be,

SENATE BILL 45**SECTION 1793**

1 pursuant to and in accordance with the stipulation filed. No responsibility shall
2 devolve upon the commission, respecting the signing of an order of dismissal as to
3 any pending appeal settled by the department without the approval of the
4 commission.

5 **SECTION 1794.** 73.01 (4) (am) of the statutes is amended to read:

6 73.01 (4) (am) Whenever it appears to the commission or, in respect to hearings
7 conducted by one commissioner, to that commissioner that proceedings have been
8 instituted or maintained by the taxpayer primarily for delay or that the taxpayer's
9 position in those proceedings is frivolous or groundless, the commission or
10 commissioner may assess the taxpayer an amount not to exceed ~~\$1,000~~ \$5,000 at the
11 same time that the deficiency is assessed. Those damages shall be paid upon notice
12 from the department of revenue and shall be collected as a part of the tax.

13 **SECTION 1795.** 73.01 (4) (b) of the statutes is amended to read:

14 73.01 (4) (b) Any matter required to be heard by the commission may be heard
15 by any member of the commission or its hearing examiner and reported to the
16 commission, and hearings of matters pending before it shall be assigned to members
17 of the commission or its hearing examiner by the chairperson. Unless a majority of
18 the commission decides that the full commission should decide a case, cases other
19 than ~~small claims cases~~ summary proceedings shall be decided by a panel of 3
20 members assigned by the chairperson prior to the hearing. If the parties have agreed
21 to an oral decision, the member or members conducting the hearing may render an
22 oral decision. Hearings shall be open to the public and all proceedings shall be
23 conducted in accordance with rules of practice and procedure prescribed by the
24 commission. ~~Small claims cases, except a commissioner hearing a summary~~
25 proceeding shall have the same discretion as a judge under s. 802.12 (2) to order the

SENATE BILL 45**SECTION 1795**

1 parties to select a settlement alternative as provided in s. 802.12 (1). Summary
2 proceedings shall be decided by one commissioner assigned by the chairperson prior
3 to the hearing.

4 **SECTION 1796.** 73.01 (4) (dn) of the statutes is amended to read:

5 73.01 (4) (dn) In connection with the hearing of any matter required to be heard
6 and decided by the commission, except appeals arising under s. 70.64 or ch. 76, the
7 chairperson or any member of the commission assigned to hear the matter may, ~~with~~
8 ~~the consent of the parties,~~ render an oral decision. In ~~small claims cases~~ summary
9 proceedings, the presiding commissioner, ~~without consent of the parties,~~ either
10 render an oral decision at the close of the hearing or provide a written decision to all
11 parties within 2 weeks after the hearing. Decisions in ~~small claims cases~~ summary
12 proceedings are not precedents. Any party may appeal such oral decision as provided
13 in s. 73.015. Oral decisions constitute notice for purposes of determining the time
14 in which appeals may be taken. Provisions of this section or ch. 227 in conflict with
15 this paragraph do not apply to decisions rendered under this paragraph.

16 **SECTION 1797.** 73.01 (4) (e) (intro.) of the statutes is amended to read:

17 73.01 (4) (e) (intro.) Except as provided in par. (dn), the commission in each case
18 heard by it shall, irrespective of ch. 227, make a decision in writing accompanied by
19 findings of fact and conclusions of law. The commission may issue an opinion in
20 writing in addition to its findings of fact and decision. The decision or order of the
21 commission shall become final and shall be binding upon the petitioner and upon the
22 department of revenue for that case unless an appeal is taken from the decision or
23 order of the commission under s. 73.015. Except in respect to ~~small claims~~ summary
24 proceedings decisions, if the commission construes a statute adversely to the
25 contention of the department of revenue:

SENATE BILL 45**SECTION 1798**

1 **SECTION 1798.** 73.03 (35) of the statutes is amended to read:

2 73.03 **(35)** To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
3 (2dj), (2dL), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or
4 (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the
5 full amount claimed would violate ~~the a~~ requirement under s. ~~560.797 (4) (e)~~ 560.785
6 or would bring the total of the credits granted to that claimant under s. ~~560.797 (4)~~
7 ~~(e), or the total of the credits granted to that claimant under all of those subsections,~~
8 over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

9 **SECTION 1799.** 73.03 (56) of the statutes is created to read:

10 73.03 **(56)** To prepare and submit the report required under s. 66.46 (13).

11 **SECTION 1800.** 73.0301 (1) (d) 2. of the statutes is amended to read:

12 73.0301 **(1)** (d) 2. A license issued by the department of health and family
13 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care
14 facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).

15 **SECTION 1801.** 73.0305 of the statutes is amended to read:

16 **73.0305 Revenue limits calculations.** The department of revenue shall
17 annually determine and certify to the state superintendent of public instruction, no
18 later than the 4th Monday in June, the allowable rate of increase for the limit
19 imposed under ~~subch. VII of ch. 121 s. 121.91 (2m) (d).~~ For that limit, the allowable
20 rate of increase is the percentage change in the consumer price index for all urban
21 consumers, U.S. city average, between the preceding March 31 and the 2nd
22 preceding March 31, as computed by the federal department of labor.

23 **SECTION 1802.** 73.09 (4) (c) of the statutes is amended to read:

24 73.09 **(4)** (c) Recertification is contingent upon submission of a notarized an
25 application for renewal, ~~at least 60 days before the expiration date of the current~~

SENATE BILL 45**SECTION 1802**

1 ~~certificate~~, attesting to the completion of the requirements specified in par. (b).
2 Persons applying for renewal on the basis of attendance at the meetings called by the
3 department under s. 73.06 (1) and by meeting continuing education requirements
4 shall submit a \$20 recertification fee with their applications. The department may,
5 upon good cause, accept an application for renewal up to one year after the expiration
6 of the current certificate if the applicant has complied with the requirements
7 specified in par. (b).

8 **SECTION 1803.** 73.13 of the statutes is created to read:

9 **73.13 Compromising nondelinquent taxes.** (1) In this section, “tax”
10 means an amount that is owed to this state under s. 66.75 (1m) (f) 3. or ch. 71, 72,
11 76, 77, 78 or 139, that is not delinquent, and any addition to tax, interest, penalties,
12 costs or other liability in respect to those amounts.

13 (2) Any taxpayer may petition the department of revenue to compromise the
14 taxpayer’s taxes including the costs, penalties and interest. The petition shall set
15 forth a sworn statement of the taxpayer and shall be in a form that the department
16 prescribes. The department may examine the petitioner under oath concerning the
17 matter and may require the taxpayer to provide the department with financial
18 statements and any other information requested by the department that is related
19 to the petition. If the department finds that the taxpayer is unable to pay the taxes,
20 costs, penalties and interest in full, the department shall determine the amount that
21 the taxpayer is able to pay and shall enter an order reducing the taxes, costs,
22 penalties and interest in accordance with the determination. The order shall provide
23 that the compromise is effective only if paid within 10 days of the date on which the
24 order is issued. The department or its collection agents, upon receipt of the order,
25 shall accept payment in accordance with the order. Upon payment the department

SENATE BILL 45**SECTION 1803**

1 shall credit the unpaid portion of the principal amount of the taxes and make
2 appropriate record of the unpaid amount of penalties, costs, and interest accrued to
3 the date of the order. If within 3 years of the date of the compromise order the
4 department ascertains that the taxpayer has an income or property sufficient to
5 enable the taxpayer to pay the remainder of the tax including costs, penalties and
6 interest, the department shall reopen the matter and order the payment in full of the
7 taxes, costs, penalties and interest. Before the entry of the order, a written notice
8 shall be given to the taxpayer advising of the intention of the department to reopen
9 the matter and fixing a time and place for the appearance of the taxpayer if the
10 taxpayer desires a hearing. Upon entry of the order the department shall make an
11 appropriate record of the principal amount of the taxes, penalties, costs and interest
12 ordered to be paid. Such taxes shall be immediately due and payable and shall
13 thereafter be subject to the interest provided by s. 71.82 (2), as that subsection
14 applies to delinquent income and franchise taxes under s. 71.82, and to the
15 delinquent account fee described in s. 73.03 (33m), and the department shall
16 immediately proceed to collect the taxes together with the unpaid portion of
17 penalties, costs, and interest accrued to the date of the compromise order and the fee
18 described in s. 73.03 (33m).

19 **SECTION 1804.** 74.41 (1) (intro.) of the statutes is amended to read:

20 74.41 (1) SUBMISSION OF REFUNDED OR RESCINDED TAXES TO DEPARTMENT. (intro.)
21 By ~~October 1~~ September 15 of each year, the clerk of a taxation district may submit
22 to the department of revenue, on a form prescribed by the department of revenue, a
23 listing of all general property taxes on the district's tax roll which, subject to sub. (2),
24 meet any of the following conditions:

25 **SECTION 1805.** 75.105 (3) of the statutes is amended to read:

SENATE BILL 45**SECTION 1805**

1 75.105 (3) ADMINISTRATION. Upon the cancellation of all or a portion of real
2 property taxes under sub. (2), the county treasurer shall execute and provide to the
3 owner of the property a statement identifying the property for which taxes have been
4 canceled and shall enter on the tax certificate the date upon which the taxes were
5 canceled and the amount of taxes canceled. The county treasurer shall charge back
6 to the taxation district that included the tax-delinquent real property on its tax roll
7 any or all of the amount of taxes canceled and shall include the amount of taxes
8 canceled as a special charge in the next tax levy against the taxation district.

9 **SECTION 1806.** 75.17 of the statutes is created to read:

10 **75.17 Transfer of contaminated land to a municipality.** (1) In this
11 section:

12 (a) "Hazardous substance" has the meaning given in s. 292.01 (5).

13 (b) "Municipality" means a city, village or town.

14 (2) If a county does not take a tax deed for property that is subject to a tax
15 certificate and that is contaminated by a hazardous substance, within 2 years after
16 the expiration of the redemption period that is described under s. 75.14 (1) and
17 specified in s. 74.57 (2) (a) and (b) (intro.), the county shall take a tax deed for such
18 property upon receiving a written request to do so from the municipality in which the
19 property is located. The county may then retain ownership of the property or, if the
20 county does not wish to retain ownership of the property, the county shall transfer
21 ownership of the property to the municipality, for no consideration, within 180 days
22 after receiving the written request from the municipality.

23 **SECTION 1807.** 76.025 (1) of the statutes is amended to read:

24 76.025 (1) The property taxable under s. 76.13 shall include all franchises, and
25 all real and personal property of the company used or employed in the operation of

SENATE BILL 45**SECTION 1807**

1 its business, ~~except excluding property that is exempt from the property tax under~~
2 ~~s. 70.11 (39)~~, such motor vehicles as are exempt under s. 70.112 (5), ~~computerized~~
3 ~~equipment exempt under s. 70.11 (40)~~ and treatment plant and pollution abatement
4 equipment exempt under s. 70.11 (21) (a). The taxable property shall include all title
5 and interest of the company referred to in such property as owner, lessee or
6 otherwise, and in case any portion of the property is jointly used by 2 or more
7 companies, the unit assessment shall include and cover a proportionate share of that
8 portion of the property jointly used so that the assessments of the property of all
9 companies having any rights, title or interest of any kind or nature whatsoever in any
10 such property jointly used shall, in the aggregate, include only one total full value
11 of such property.

12 **SECTION 1808.** 76.03 (1) of the statutes is amended to read:

13 76.03 (1) The property, both real and personal, including all rights, franchises
14 and privileges used in and necessary to the prosecution of the business ~~and including~~
15 ~~property that is exempt from the property tax under s. 70.11 (39)~~ of any company
16 enumerated in s. 76.02 shall be deemed personal property for the purposes of
17 taxation, and shall be valued and assessed together as a unit.

18 **SECTION 1809.** 76.39 (2) of the statutes is amended to read:

19 76.39 (2) There is levied annually a gross earnings tax in lieu of all property
20 taxes on the car line equipment of a car line company equal to ~~3%~~ 2.5% of the gross
21 earnings in this state. Every railroad company operating in this state shall, upon
22 making payment to each car line company for use of its cars, withhold ~~3%~~ 2.5% of the
23 amount constituting the gross earnings in this state of such car line company.

24 **SECTION 1810.** 76.81 of the statutes is amended to read:

SENATE BILL 45**SECTION 1810**

1 **76.81 Imposition.** There is imposed a tax on the real property of, and the
2 tangible personal property of, every telephone company, excluding property that is
3 exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt
4 under s. 70.112 (5) ~~and~~, treatment plant and pollution abatement equipment that is
5 exempt under s. 70.11 (21) (a) and computerized equipment that is exempt under s.
6 70.11 (40). Except as provided in s. 76.815, the rate for the tax imposed on each
7 description of real property and on each item of tangible personal property is the net
8 rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the
9 description or item is located.

10 **SECTION 1811.** 77.25 (21) of the statutes is created to read:

11 77.25 (21) Of a time-share property, as defined in s. 707.02 (32).

12 **SECTION 1812.** 77.255 of the statutes is amended to read:

13 **77.255 Exemptions from return.** No return is required with respect to
14 conveyances exempt under s. 77.25 (1), (2r), (4) ~~or~~, (11) or (21) from the fee imposed
15 under s. 77.22. No return is required with respect to conveyances exempt under s.
16 77.25 (2) unless the transferor is also a lender for the transaction.

17 **SECTION 1813.** 77.51 (4) (c) 6. of the statutes is amended to read:

18 77.51 (4) (c) 6. Charges associated with time-share property that is taxable,
19 or that at the time of the charges would be taxable, under s. 77.52 (2) (a) 1. or 2.

20 **SECTION 1814.** 77.52 (2) (a) 1. of the statutes is amended to read:

21 77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,
22 motel operators and other persons furnishing accommodations that are available to
23 the public, irrespective of whether membership is required for use of the
24 accommodations, including the furnishing of rooms or lodging through the sale of a
25 all time-share property, as including that defined in s. 707.02 (32), ~~if the use of the~~

SENATE BILL 45**SECTION 1814**

1 ~~rooms or lodging is not fixed at the time of sale as to the starting day or the lodging~~
2 ~~unit.~~ In this subdivision, “transient” means any person residing for a continuous
3 period of less than one month in a hotel, motel or other furnished accommodations
4 available to the public. In this subdivision, “hotel” or “motel” means a building or
5 group of buildings in which the public may obtain accommodations for a
6 consideration, including, without limitation, such establishments as inns, motels,
7 tourist homes, tourist houses or courts, lodging houses, rooming houses, summer
8 camps, apartment hotels, resort lodges and cabins and any other building or group
9 of buildings in which accommodations are available to the public, except
10 accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for
11 a continuous period of more than one month and accommodations furnished by any
12 hospitals, sanatoriums, or nursing homes, or by corporations or associations
13 organized and operated exclusively for religious, charitable or educational purposes
14 provided that no part of the net earnings of such corporations and associations inures
15 to the benefit of any private shareholder or individual. In this subdivision, “one
16 month” means a calendar month or 30 days, whichever is less, counting the first day
17 of the rental and not counting the last day of the rental.

18 **SECTION 1815.** 77.60 (2) (intro.) of the statutes is amended to read:

19 77.60 (2) (intro.) Delinquent sales and use tax returns shall be subject to a \$10
20 \$30 late filing fee unless the return was not timely filed because of the death of the
21 person required to file or unless the return was not timely filed because of a
22 reasonable due to good cause and not because of due to neglect. The fee shall not
23 apply if the department has failed to issue a seller’s permit or a use tax registration
24 within 30 days of the receipt of an application for a seller’s permit or use tax
25 registration accompanied by the fee established under s. 73.03 (50), if the person does

SENATE BILL 45**SECTION 1815**

1 not hold a valid certificate under s. 73.03 (50), and the security required under s.
2 77.61 (2) has not been placed with the department. Delinquent sales and use taxes
3 shall bear interest at the rate of 1.5% per month until paid. The taxes imposed by
4 this subchapter shall become delinquent if not paid:

5 **SECTION 1816.** 77.76 (3) of the statutes is amended to read:

6 77.76 (3) From the appropriation under s. 20.835 (4) (g) the department shall
7 distribute ~~98.5%~~ 98.25% of the county taxes reported for each enacting county, minus
8 the county portion of the retailers' discounts, to the county and shall indicate the
9 taxes reported by each taxpayer, no later than the end of the 3rd month following the
10 end of the calendar quarter in which such amounts were reported. In this subsection,
11 the "county portion of the retailers' discount" is the amount determined by
12 multiplying the total retailers' discount by a fraction the numerator of which is the
13 gross county sales and use taxes payable and the denominator of which is the sum
14 of the gross state and county sales and use taxes payable. The county taxes
15 distributed shall be increased or decreased to reflect subsequent refunds, audit
16 adjustments and all other adjustments of the county taxes previously distributed.
17 Interest paid on refunds of county sales and use taxes shall be paid from the
18 appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1)
19 (a). The county may retain the amount it receives or it may distribute all or a portion
20 of the amount it receives to the towns, villages, cities and school districts in the
21 county. Any county receiving a report under this subsection is subject to the duties
22 of confidentiality to which the department of revenue is subject under s. 77.61 (5).

23 **SECTION 1817.** 77.76 (4) of the statutes is amended to read:

24 77.76 (4) There shall be retained by the state 1.5% of the taxes collected under
25 ~~this subchapter~~ for taxes imposed by special districts under s. 77.705 and 1.75% of

SENATE BILL 45**SECTION 1817**

1 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs
2 incurred by the state in administering, enforcing and collecting the tax. All interest
3 and penalties collected shall be deposited and retained by this state in the general
4 fund.

5 **SECTION 1818.** 77.996 (2) (i) of the statutes is created to read:

6 77.996 (2) (i) Formal wear rental firms.

7 **SECTION 1819.** 84.013 (3) (zb) of the statutes is created to read:

8 84.013 (3) (zb) USH 41 extending from 1.5 miles south of Frog Pond Road in
9 Oconto County to 1.3 miles north of Schacht Road in Marinette County.

10 **SECTION 1820.** 84.106 of the statutes is created to read:

11 **84.106 Scenic byways program.** (1) DESIGNATION. The department shall
12 develop, implement and administer a program to designate highways, as defined in
13 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,
14 historic, cultural, natural, recreational or archeological qualities as scenic byways.
15 The department may seek designation by the federal government of a highway
16 designated as a scenic byway under this section as a national scenic byway or as an
17 All-American Road.

18 (2) RULES. The department shall promulgate rules under this section
19 consistent with 23 USC 162 and regulations established under that section.

20 **SECTION 1821.** 84.30 (2m) of the statutes is created to read:

21 84.30 (2m) CONDITIONAL USES AND SPECIAL EXCEPTIONS NOT CONSIDERED. No uses
22 of real property that are authorized by special zoning permission, including uses by
23 conditional use, special exception, zoning variance or conditional permit, may be
24 considered when determining whether the area is a business area.

25 **SECTION 1822.** 84.30 (3) (c) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 1822**

1 84.30 (3) (c) (intro.) Signs advertising activities conducted on the property on
2 which they are located if such on-property signs comply with applicable federal law
3 and the June 1961 agreement between the department and the federal highway
4 administrator relative to control of advertising adjacent to interstate highways.
5 ~~Additionally, any such sign located outside the incorporated area of a city or village~~
6 ~~shall comply with the following criteria~~ No on-property sign may be erected in a
7 location where it constitutes a traffic hazard. If the department issues permits for
8 outdoor advertising signs, the department is not required to issue permits for
9 on-property signs that conform to the requirements of this paragraph. On-property
10 signs may be illuminated, subject to the following restrictions:

11 **SECTION 1823.** 84.30 (3) (c) 1. to 3. of the statutes are repealed and recreated
12 to read:

13 84.30 (3) (c) 1. Signs which contain, include or are illuminated by any flashing,
14 intermittent or moving light or lights are prohibited, except electronic signs
15 permitted by rule of the department.

16 2. Signs which are not effectively shielded as to prevent beams or rays of light
17 from being directed at any portion of the traveled ways of the interstate or
18 federal-aid primary highway and which are of such intensity or brilliance as to cause
19 glare or to impair the vision of the driver of any motor vehicle, or which otherwise
20 interfere with any driver's operation of a motor vehicle, are prohibited.

21 3. No sign may be so illuminated that it interferes with the effectiveness of or
22 obscures an official traffic sign, device or signal.

23 **SECTION 1824.** 84.30 (3) (c) 5. of the statutes is repealed.

24 **SECTION 1825.** 84.59 (2) of the statutes is amended to read:

SENATE BILL 45**SECTION 1825**

1 84.59 (2) The department may, under s. ~~18.56~~ 18.561 (5) and (9) (j) or 18.562
2 (3) and (5) (e), deposit in a separate and distinct fund outside the state treasury, in
3 an account maintained by a trustee, revenues derived under s. 341.25. The revenues
4 deposited are the trustee's revenues in accordance with the agreement between this
5 state and the trustee or in accordance with the resolution pledging the revenues to
6 the repayment of revenue obligations issued under this section.

7 **SECTION 1826.** 84.59 (6) of the statutes is amended to read:

8 84.59 (6) ~~Revenue obligations may be contracted by the~~ The building
9 commission may contract revenue obligations when it reasonably appears to the
10 building commission that all obligations incurred under this section can be fully paid
11 from moneys received or anticipated and pledged to be received on a timely basis.
12 Revenue Except as provided in this subsection, the principal amount of revenue
13 obligations issued under this section shall may not exceed \$1,348,058,900 in
14 principal amount, excluding obligations issued to refund outstanding revenue
15 obligations. Not more than \$1,255,499,900 of the \$1,348,058,900 may
16 \$1,435,165,900 and may be used for transportation facilities under s. 84.01 (28) and
17 major highway projects under ss. 84.06 and 84.09. In addition to the foregoing limit
18 on principal amount, the building commission may contract revenue obligations
19 under this section as the building commission determines is desirable to refund
20 outstanding revenue obligations contracted under this section and to pay expenses
21 associated with revenue obligations contracted under this section.

22 **SECTION 1827.** 85.02 of the statutes is renumbered 85.02 (1).

23 **SECTION 1828.** 85.02 (2) of the statutes is created to read:

24 85.02 (2) The department may assist or coordinate highway corridor land use
25 planning that identifies future land uses, use densities and site layouts that are

SENATE BILL 45**SECTION 1828**

1 appropriate to land adjacent to a highway and that maintain the safety and function
2 of the highway. The department may assist or coordinate information activities
3 related to highway project development.

4 **SECTION 1829.** 85.022 (1) (n) of the statutes is created to read:

5 85.022 (1) (n) Land use issues relating to transportation.

6 **SECTION 1830.** 85.024 (2) of the statutes is amended to read:

7 85.024 (2) The department shall administer a bicycle and pedestrian facilities
8 program to award grants of assistance to political subdivisions for the planning,
9 development or construction of bicycle and pedestrian facilities. ~~Annually, the~~ The
10 department shall award from the appropriation under s. 20.395 (2) (nx) grants to
11 political subdivisions under this section. A political subdivision that is awarded a
12 grant under this section shall contribute matching funds equal to at least 25% of the
13 amount awarded under this section. ~~The department shall select grant recipients~~
14 ~~annually beginning in 1994 from applications submitted to the department on or~~
15 ~~before April 1 of each year.~~

16 **SECTION 1831.** 85.08 (4m) (h) of the statutes is created to read:

17 85.08 (4m) (h) *Interest rate.* The department, by rule, shall establish the rate
18 of interest applicable to loans under this subsection.

19 **SECTION 1832.** 85.12 (3) of the statutes is created to read:

20 85.12 (3) The department may contract with any local governmental unit, as
21 defined in s. 16.97 (7), to provide that local governmental unit with services under
22 this section.

23 **SECTION 1833.** 85.135 of the statutes is created to read:

24 **85.135 Fees for certain court orders suspending or revoking an**
25 **operating privilege.** The department shall, by rule, develop and implement a

SENATE BILL 45**SECTION 1833**

1 system for charging circuit courts and municipal courts for each order of the court
2 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),
3 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a
4 forfeiture imposed for violating an ordinance that is unrelated to the violator's
5 operation of a motor vehicle. The amount of the fee may not exceed the cost of
6 processing the order. The department may not process an order of a court suspending
7 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)
8 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required
9 under this section, if any, to the department.

10 **SECTION 1834.** 85.20 (1) (g) of the statutes is amended to read:

11 85.20 (1) (g) "Operating expenses" mean costs accruing to an urban mass
12 transit system by virtue of its operations, including costs to subsidize fares paid by
13 disabled persons for transportation within the urban area of the eligible applicant,
14 and maintenance. For a publicly owned system, operating expenses do not include
15 profit, return on investment or depreciation as costs. If a local public body contracts
16 for the services of a privately owned system on the basis of competitive bids,
17 operating expenses may include as costs depreciation on the facilities and equipment
18 that the privately owned system acquired without benefit of public financial
19 assistance, profit and return on investment. If a local public body contracts for the
20 services of a privately owned system on the basis of negotiated procurement,
21 operating expenses may include as costs depreciation on the facilities and equipment
22 that the privately owned system acquired without benefit of public financial
23 assistance. In an urban area which is served exclusively by shared-ride taxicab
24 systems, operating expenses may include costs to subsidize reasonable fares paid by
25 all users for transportation within the urban area of the eligible applicant.

SENATE BILL 45**SECTION 1835**

1 **SECTION 1835.** 85.20 (3) (cr) of the statutes is amended to read:

2 85.20 **(3)** (cr) To conduct a management performance audit of all urban mass
3 transit systems participating in the program at least once every 5 years. If a
4 management performance audit is required of all urban mass transit systems
5 participating in the program, an eligible applicant served exclusively by a
6 shared-ride taxicab system may be exempted from an audit if the eligible applicant
7 voluntarily complies with s. 85.20 (4m) (b).

8 **SECTION 1836.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

9 85.20 **(4m)** (a) (intro.) ~~An amount shall be allocated~~ Except as provided in s.
10 85.20 (4m) (b) 2., the department shall allocate to each eligible applicant ~~to ensure~~
11 ~~that the sum of state and federal aids for the projected operating expenses of each~~
12 ~~eligible applicant's urban mass transit system is~~ an amount equal to a uniform
13 percentage, established by the department, of the projected operating expenses of
14 ~~the~~ each eligible applicant's urban mass transit system for the calendar year. The
15 department shall make allocations as follows:

16 **SECTION 1837.** 85.20 (4m) (a) 1., 2., 3., 4. and 5. of the statutes are repealed.

17 **SECTION 1838.** 85.20 (4m) (a) 6. b. of the statutes is amended to read:

18 85.20 **(4m)** (a) 6. b. For the purpose of making allocations under subd. 6. a., the
19 amounts for aids are ~~\$60,984,900 in calendar year 1998 and \$63,119,300 in calendar~~
20 ~~year 1999~~ and \$65,012,900 in calendar year 2000 and thereafter. These amounts,
21 to the extent practicable, shall be used to determine the uniform percentage in the
22 particular calendar year.

23 **SECTION 1839.** 85.20 (4m) (a) 6. c. of the statutes is created to read:

24 85.20 **(4m)** (a) 6. c. The sum of state aids allocated under this section and
25 federal mass transit aids provided for the projected operating expenses of an urban

SENATE BILL 45**SECTION 1839**

1 mass transit system that has annual operating expenses in excess of \$20,000,000
2 may not exceed 50% of the sum of the projected operating expenses of the urban mass
3 transit system. Only federal mass transit aid that the federal government provides
4 directly to the eligible applicant or to the urbanized area served by the mass transit
5 system or that the department allocates under this section may be counted under
6 this subd. 6. c.

7 **SECTION 1840.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

8 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform
9 percentage for each eligible applicant served by an urban mass transit system
10 operating within an urban area having a population as shown in the 1990 federal
11 decennial census of at least 50,000 or receiving federal mass transit aid for such area,
12 and not specified in subd. 6. This subd. 7. a. does not apply after December 31, 1999.

13 **SECTION 1841.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

14 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
15 amounts for aids are \$17,799,600 in calendar year 1998 and \$18,422,500 in calendar
16 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to
17 determine the uniform percentage in the particular calendar year.

18 **SECTION 1842.** 85.20 (4m) (a) 7m. of the statutes is created to read:

19 85.20 (4m) (a) 7m. a. Beginning on January 1, 2000, from the appropriation
20 under s. 20.395 (1) (hr), the uniform percentage determined by the department for
21 each eligible applicant not described in subd. 6. In allocating state aid under this
22 subdivision, the department shall determine the amount of federal aid available for
23 operating expenses. If the department determines that federal aid is available for
24 an eligible applicant's operating expenses, the department may require the eligible

SENATE BILL 45**SECTION 1842**

1 applicant to accept that federal aid as a condition of receiving state aid under this
2 section.

3 b. Except as provided in subd. 7m. c., for the purpose of making allocations
4 under subd. 7m. a., the amounts for aids are \$24,100,400 in calendar year 2000 and
5 thereafter. These amounts, to the extent practicable, shall be used to determine the
6 uniform percentage in the particular calendar year. Except as provided in subd. 7m.
7 c., the sum of state aid and federal aid allocated under this section to an eligible
8 applicant may not exceed 65% of an eligible applicant's projected operating expenses.

9 c. For an eligible applicant served by a mass transit system operating within
10 an urbanized area that has a population, as shown in the 1990 federal decennial
11 census, of 50,000 or more or that is eligible for only federal mass transit aid for such
12 areas, the sum of state aid and federal aid allocated under this section for calendar
13 years 2000 and 2001 may not exceed 60% of the projected operating expenses. For
14 an eligible applicant served by a mass transit system that operates both partly
15 within an urbanized area that has a population of 50,000 or more, as shown in the
16 1990 federal decennial census, or that is eligible for federal mass transit aid for
17 urbanized areas having that population and that operates partly in areas other than
18 urbanized areas and is eligible for federal mass transit aid for providing service to
19 those other areas, the sum of state aid and federal aid allocated under this section
20 for the portion of the projected operating expenses of the eligible applicant's mass
21 transit system associated with service within an urbanized area or eligible for
22 federal mass transit aid for service within urbanized areas may not exceed 60% of
23 the projected operating expenses of that service for calendar years 2000 and 2001.
24 This subd. 7m. c. does not apply after December 31, 2001.

25 **SECTION 1843.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

SENATE BILL 45**SECTION 1843**

1 85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform
2 percentage for each eligible applicant served by an urban mass transit system
3 operating within an area having a population as shown in the 1990 federal decennial
4 census of less than 50,000 or receiving federal mass transit aid for such area. This
5 subd. 8. a. does not apply after December 31, 1999.

6 **SECTION 1844.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

7 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
8 amounts for aids are \$4,807,600 in calendar year 1998 and \$4,975,900 in calendar
9 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to
10 determine the uniform percentage in the particular calendar year.

11 **SECTION 1845.** 85.20 (4m) (b) 1. of the statutes is amended to read:

12 85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall
13 provide a local contribution, exclusive of user fees, toward operating expenses in an
14 amount equal to at least ~~20% of state aid allocations to that eligible applicant under~~
15 ~~this section~~ 10% of the eligible applicant's operating expenses.

16 **SECTION 1846.** 85.20 (4m) (b) 2. of the statutes is amended to read:

17 85.20 (4m) (b) 2. ~~Subdivision 1. does not apply to an~~ Except as provided in this
18 subdivision, an eligible applicant that is served exclusively by a shared-ride taxicab
19 system is not required to meet the requirements of subd. 1. For calendar year 2000,
20 the department may not increase the amount of state aid allocated under this section
21 to an eligible applicant that is served exclusively by a shared-ride taxicab system
22 beyond the amount allocated to that eligible applicant for calendar year 1999, unless
23 the eligible applicant provides a local contribution, exclusive of user fees, toward
24 operating expenses in an amount equal to at least 5% of the eligible applicant's
25 operating expenses. Beginning with calendar year 2001, the department may not

SENATE BILL 45**SECTION 1846**

1 increase the amount of state aid allocated under this section to an eligible applicant
2 that is served exclusively by a shared-ride taxicab system beyond the amount
3 allocated to that eligible applicant during the preceding calendar year, unless the
4 eligible applicant complies with the requirements of subd. 1. This subdivision does
5 not prohibit the department from allocating aid under this section to an eligible
6 applicant served exclusively by a shared-ride taxicab system in its first year of
7 service.

8 **SECTION 1847.** 85.20 (4m) (em) 3. of the statutes is amended to read:

9 85.20 (4m) (em) 3. Five times the amount of an eligible applicant's required
10 local contribution under par. (b) 1. This subdivision does not apply after December
11 31, 1999.

12 **SECTION 1848.** 85.20 (6) (c) of the statutes is created to read:

13 85.20 (6) (c) Disclose to the department the amount of federal aid over which
14 the eligible applicant has spending discretion and that the eligible applicant intends
15 to apply towards operating expenses for a calendar year.

16 **SECTION 1849.** 85.20 (6) (d) of the statutes is created to read:

17 85.20 (6) (d) Accept federal aid, if directed by the department to accept that aid.
18 This paragraph applies only to eligible applicants described in sub. (4m) (a) 7m.

19 **SECTION 1850.** 85.22 (2) (am) (intro.) of the statutes is amended to read:

20 85.22 (2) (am) (intro.) "Eligible applicant" means any applicant that meets
21 eligibility requirements for federal assistance under 49 USC Appendix 1612 (b) (2)
22 and is one of the following:

23 **SECTION 1851.** 85.22 (4) of the statutes is renumbered 85.22 (4) (a) (intro.) and
24 amended to read:

SENATE BILL 45**SECTION 1851**

1 85.22 (4) (a) (intro.) Commencing with the highest ranked application and to
2 the extent that state moneys are available, the department shall offer to each eligible
3 applicant an amount of state aid such that the sum of federal and state aid received
4 by an applicant does not exceed 80% any of the following:

5 1. The percentage, specified by the department by rule, of the estimated capital
6 project costs.

7 (b) State aids available under this section shall not be available for operating
8 purposes.

9 **SECTION 1852.** 85.22 (4) (a) 2. of the statutes is created to read:

10 85.22 (4) (a) 2. For the specific type or category of capital equipment for which
11 aid is paid, the percentage of the estimated capital costs that are eligible for federal
12 aid.

13 **SECTION 1853.** 85.50 of the statutes is repealed.

14 **SECTION 1854.** 85.515 of the statutes, as created by 1997 Wisconsin Act 84, is
15 amended to read:

16 **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary
17 determines that the changes to the department's computerized information systems
18 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000
19 2001, the secretary shall publish a notice in the Wisconsin Administrative Register
20 that states the date on which the changes to the department's computerized
21 information system will begin operating, and that the clearly states which portion
22 of revisions to the operator's license suspension and revocation law made by 1997
23 Wisconsin Act 84 will become effective on that date.

24 **SECTION 1855.** 85.52 (5) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 1855**

1 85.52 (5) (c) The department of administration may, under s. ~~18.56~~ 18.561 (5)
2 and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state
3 treasury or in an account maintained by a trustee outside the state treasury, any
4 portion of the revenues derived under s. 25.405 (2). The revenues deposited with a
5 trustee outside the state treasury are the trustee's revenues in accordance with the
6 agreement between this state and the trustee or in accordance with the resolution
7 pledging the revenues to the repayment of revenue obligations issued under this
8 subsection.

9 **SECTION 1856.** 86.30 (2) (a) 1. of the statutes is amended to read:

10 86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm) and s. 86.303, the
11 amount of transportation aids payable by the department to each county shall be the
12 aids amount calculated under subd. 2. and to each municipality shall be the aids
13 amount calculated under subd. 2. or 3., whichever is greater. If the amounts
14 calculated for a municipality under subd. 2. or 3. are the same, transportation aids
15 to that municipality shall be paid under subd. 2.

16 **SECTION 1857.** 86.30 (2) (a) 3. f. of the statutes is repealed.

17 **SECTION 1858.** 86.30 (2) (a) 3. g. of the statutes is amended to read:

18 86.30 (2) (a) 3. g. In calendar year years 1998 and thereafter 1999, \$1,596.

19 **SECTION 1859.** 86.30 (2) (a) 3. h. of the statutes is created to read:

20 86.30 (2) (a) 3. h. In calendar year 2000 and thereafter, \$1,644.

21 **SECTION 1860.** 86.30 (2) (b) 1. of the statutes is amended to read:

22 86.30 (2) (b) 1. Except as provided under par. (d) and s. 86.303 (5), no
23 municipality whose aid is determined under par. (a) 2. may receive an increase in its
24 annual transportation aid payment in excess of 15% of its last previous calendar year

SENATE BILL 45**SECTION 1860**

1 aid payment or a decrease in its annual transportation aid payment in excess of ~~5%~~
2 2% of its last previous calendar year transportation aid payment.

3 **SECTION 1861.** 86.30 (2) (b) 1g. of the statutes is amended to read:

4 86.30 (2) (b) 1g. Except as provided under par. (d) and s. 86.303 (5), no
5 municipality whose aid is determined under par. (a) 3. may receive a decrease in its
6 annual transportation aid payment in excess of ~~5%~~ 2% of its last previous calendar
7 year transportation aid payment.

8 **SECTION 1862.** 86.30 (9) (b) of the statutes is amended to read:

9 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
10 the amounts for aids to counties are ~~\$70,644,200 in calendar year 1997 and~~
11 ~~\$78,744,300 in calendar year~~ years 1998 and 1999 and \$81,106,600 in calendar year
12 2000 and thereafter. These amounts, to the extent practicable, shall be used to
13 determine the statewide county average cost-sharing percentage in the particular
14 calendar year.

15 **SECTION 1863.** 86.30 (9) (c) of the statutes is amended to read:

16 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
17 the amounts for aids to municipalities are ~~\$222,255,300 in calendar year 1997 and~~
18 ~~\$247,739,100 in calendar year~~ years 1998 and 1999 and \$254,784,900 in calendar
19 year 2000 and thereafter. These amounts, to the extent practicable, shall be used to
20 determine the statewide municipal average cost-sharing percentage in the
21 particular calendar year.

22 **SECTION 1864.** 86.302 (title) of the statutes is repealed and recreated to read:

23 **86.302 (title) Local roads; inventory and assessment.**

24 **SECTION 1865.** 86.302 (1) of the statutes is renumbered 86.302 (1g) and
25 amended to read:

SENATE BILL 45**SECTION 1865**

1 86.302 **(1g)** Except as provided in sub. (1m), beginning on January 1, 2001, the
2 board of every town, village and county, and the governing body of every city, shall
3 file with the department ~~and with the county clerk~~ not later than December 15 of
4 every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality
5 or county showing the ~~roads and streets~~ highways under ~~their~~ its jurisdiction and the
6 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~
7 ~~may be used by the.~~ The department may use the plats in making computations of
8 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on
9 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality
10 or county.

11 **SECTION 1866.** 86.302 (1d) of the statutes is created to read:

12 86.302 **(1d)** (a) "Highway" has the meaning given in s. 340.01 (22).

13 (b) "Municipality" means a city, village or town.

14 **SECTION 1867.** 86.302 (1m) (a) of the statutes is renumbered 86.302 (1m) (a)

15 1. and amended to read:

16 86.302 **(1m)** (a) 1. ~~The board of a town, village or county and the governing body~~
17 ~~of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing
18 a certified plat under sub. (1g), if a municipality or county or city has not added or
19 deleted jurisdictional mileage since filing its last preceding certified plat under sub.
20 ~~(1) (1g), its board or governing body may file a certified statement to that effect with~~
21 the department.

22 **SECTION 1868.** 86.302 (1m) (a) 2. of the statutes is created to read:

23 86.302 **(1m)** (a) 2. Notwithstanding subd. 1., the department may require every
24 municipality and county to file a certified plat under sub. (1g) with the department
25 in the year after the year in which a federal decennial census is conducted.

SENATE BILL 45**SECTION 1869**

1 **SECTION 1869.** 86.302 (1m) (b) of the statutes is amended to read:

2 86.302 **(1m)** (b) Upon incorporation of a village or city, the board of the village
3 and the governing body of the city shall file with the department ~~and with the county~~
4 ~~clerk~~ a certified plat of the village or city showing the roads and streets highways
5 under its jurisdiction and the mileage thereof to be open and used for travel as of the
6 date of incorporation, which may be used by the department in making computations
7 of transportation aids. One-half of the mileage of roads or streets highways on
8 boundary lines shall be considered as lying in the village or city.

9 **SECTION 1870.** 86.302 (2) of the statutes is amended to read:

10 86.302 **(2)** Not later than December 15, 2001, and biennially thereafter, each
11 municipality and county shall assess the physical condition of highways under its
12 jurisdiction, using a pavement rating system approved by the department and report
13 the results of that assessment to the department. The department shall assess the
14 accuracy of mileage or other data concerning highways reported by municipalities
15 and counties and may use field investigations to verify a portion of the data
16 constituting a valid random sample or such specialized sample as the department
17 considers appropriate. The department shall cooperate with and provide assistance
18 to local units of government in their jurisdictional mileage determination efforts.
19 ~~The department shall inventory and verify all road mileage in a county or~~
20 ~~municipality once every 10 years~~ under this subsection. Information collected under
21 this subsection is inadmissible as evidence, except to show compliance with this
22 subsection.

23 **SECTION 1871.** 86.302 (3) of the statutes is amended to read:

24 86.302 **(3)** For the purposes of transportation aid determinations under s.
25 86.30, the department shall use changes in the road highway mileage of a city,

SENATE BILL 45**SECTION 1871**

1 ~~municipality or county, town or village~~ indicated on the certified plat filed under sub.
2 ~~(1) shall be used by the department~~ (1g) in making computations of transportation
3 aids to be paid beginning in the ~~next odd-numbered~~ year following the
4 ~~odd-numbered~~ year in which the certified plat is filed. The department shall
5 consider the following factors shall be considered by the department:

6 (a) New roads highways.

7 (b) Abandoned roads highways.

8 (c) Changes in jurisdictional mileage responsibilities for existing roads
9 highways.

10 **SECTION 1872.** 86.303 (4) (b) of the statutes is amended to read:

11 86.303 (4) (b) In the case of municipalities formed within the previous 6 years,
12 the information needed for the determinations under this section shall be calculated
13 as follows: for those years for which the necessary data does not exist, the data for
14 the new municipality and the municipality from which it was formed shall be
15 combined and the sum shall be apportioned to each municipality in proportion to the
16 total mileage of ~~roads and streets~~ highways under their respective jurisdictions. In
17 making these calculations, the department shall use the certified plats filed under
18 s. 86.302 (1) (1g).

19 **SECTION 1873.** 86.303 (6) (c) (intro.) of the statutes is amended to read:

20 86.303 (6) (c) (intro.) The following other costs to the extent ~~to which~~ they are
21 highway related are reportable:

22 **SECTION 1874.** 86.303 (6) (c) 4. of the statutes is amended to read:

23 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

24 **SECTION 1875.** 86.303 (6) (cm) of the statutes is created to read:

SENATE BILL 45**SECTION 1875**

1 86.303 (6) (cm) Some portion of law enforcement costs determined by the
2 department, in consultation with the representatives appointed under sub. (5) (am),
3 may be reported as eligible cost items. The department may establish different
4 portions under this paragraph for different classes of counties or municipalities.

5 **SECTION 1876.** 87.30 (1) (d) of the statutes is created to read:

6 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
7 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
8 department may not proceed under this subsection, or otherwise review the
9 amendment, to determine whether the ordinance, as amended, is insufficient.

10 **SECTION 1877.** 88.15 of the statutes is created to read:

11 **88.15 Drainage board grants. (1)** From the appropriation under s. 20.115
12 (7) (d), the department of agriculture, trade and consumer protection shall make
13 grants to boards to assist boards to comply with this chapter and rules promulgated
14 under this chapter. A grant under this section may not exceed 60% of the costs
15 incurred by the board to comply with this chapter and rules promulgated under this
16 chapter.

17 **(2)** The department of agriculture, trade and consumer protection shall
18 promulgate rules for the administration of the program under this section.

19 **SECTION 1878.** 91.01 (8) of the statutes is amended to read:

20 91.01 (8) “Local governing body having jurisdiction” means the city council,
21 village board or town board if that body has adopted ~~a certified~~ an ordinance under
22 subch. V that is certified under s. 91.06, 1997 stats.; or the county board where such
23 a city, village or town zoning ordinance is not in effect.

24 **SECTION 1879.** 91.04 of the statutes is created to read:

SENATE BILL 45**SECTION 1879**

1 **91.04 Acquisition of development rights agreements.** The department
2 shall maintain a list of nonprofit entities with which the department has entered into
3 agreements under s. 71.605 (3). The department shall make the list available to
4 owners who are interested in transferring their development rights and to the
5 department of revenue.

6 **SECTION 1880.** 91.06 of the statutes is repealed.

7 **SECTION 1881.** 91.11 (1) (a) of the statutes is amended to read:

8 91.11 (1) (a) The county in which the land is located has ~~a certified~~ in effect an
9 agricultural preservation plan ~~in effect~~ certified under s. 91.06, 1997 stats.; or

10 **SECTION 1882.** 91.11 (1) (b) of the statutes is amended to read:

11 91.11 (1) (b) The land is in an area zoned for exclusive agricultural use under
12 an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

13 **SECTION 1883.** 91.11 (2) of the statutes is amended to read:

14 91.11 (2) An owner of land located in a county with a population density of less
15 than 100 persons per square mile which has adopted a ~~certified~~ an exclusive
16 agricultural use zoning ordinance certified under s. 91.06, 1997 stats., may apply
17 under this subchapter even if the town in which the land is located has not approved
18 the ordinance.

19 **SECTION 1884.** 91.11 (3) of the statutes is amended to read:

20 91.11 (3) In any county with a population density of 100 or more persons per
21 square mile, an owner may apply for a farmland preservation agreement under this
22 subchapter only if the county in which the land is located has ~~a certified~~ an exclusive
23 agricultural use zoning ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats., and
24 the town in which the land is located has approved the ordinance.

25 **SECTION 1885.** 91.11 (4) of the statutes is amended to read:

SENATE BILL 45**SECTION 1885**

1 91.11 (4) In any city, town or village that has adopted a ~~certified~~ an exclusive
2 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, or
3 in any town that has approved a ~~certified~~ an exclusive agricultural use zoning
4 ordinance adopted by the county and certified under ~~subch. V s. 91.06, 1997 stats.~~,
5 an owner may apply for a farmland preservation agreement only if the land is in an
6 area zoned for exclusive agricultural use.

7 **SECTION 1886.** 91.13 (4) (a) of the statutes is amended to read:

8 91.13 (4) (a) Whether the farmland is designated an agricultural preservation
9 area in a ~~certified~~ an agricultural preservation plan established certified under
10 ~~subch. IV s. 91.06, 1997 stats.~~, or is an area zoned for exclusive agricultural use under
11 an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~

12 **SECTION 1887.** 91.13 (8) (d) of the statutes is repealed.

13 **SECTION 1888.** 91.14 of the statutes is amended to read:

14 **91.14 Transition area agreements.** An owner may apply for a transition
15 area agreement under this subchapter if the farmland is located in an area identified
16 as a transition area under a ~~certified~~ county agricultural preservation plan certified
17 under ~~subch. IV s. 91.06, 1997 stats.~~ The provisions of this subchapter, except ss.
18 91.11 (1) (b) and (4), 91.13 (4) (a) and (10) and 91.15, apply to agreements under this
19 section. Agreements under this section shall be for not less than 5 nor more than 20
20 years, consistent with the county agricultural preservation plan.

21 **SECTION 1889.** 91.19 (2) (c) 1. e. of the statutes is amended to read:

22 91.19 (2) (c) 1. e. The proposed development or use is consistent with the
23 county's ~~certified~~ agricultural preservation plan certified under s. 91.06, 1997 stats.,
24 if a plan is in effect.

25 **SECTION 1890.** 91.19 (6t) of the statutes is amended to read:

SENATE BILL 45**SECTION 1890**

1 91.19 (6t) ~~The~~ After the effective date of this subsection ... [revisor inserts
2 date], the department shall relinquish land from a farmland preservation agreement
3 ~~land that has been subject to a farmland preservation agreement for at least 10 years~~
4 if the owner of the land so requests.

5 **SECTION 1891.** 91.19 (7) of the statutes is amended to read:

6 91.19 (7) Whenever a farmland preservation agreement is relinquished under
7 sub. (2) or (6t) or all or part of the land is released from a farmland preservation
8 agreement under sub. (2) or (6p) or a transition area agreement is relinquished under
9 sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished
10 under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien
11 against the property formerly subject to the agreement for the total amount of all
12 credits received by all owners of such lands under ~~subch. IX of ch. 71 ss. 71.59 and~~
13 71.60 during the last 10 years that the land was eligible for such credit, plus interest
14 at the rate of 9.3% per year compounded annually on the credits received from the
15 time the credits were received until the lien is paid for farmland preservation
16 agreements relinquished under sub. (6t) and 6% per year compounded annually on
17 the credits received from the time the credits were received until the lien is paid for
18 other agreements. No interest shall be compounded for any period during which the
19 farmland is subject to a subsequent farmland preservation agreement or transition
20 area agreement or is zoned for exclusive agricultural use under an ordinance
21 certified under ~~subch. V s. 91.06, 1997 stats.~~

22 **SECTION 1892.** 91.19 (8) of the statutes is amended to read:

23 91.19 (8) Subject to subs. (12) and (13), upon the relinquishment of a farmland
24 preservation agreement under sub. (1) or (1m), the department shall cause to be
25 prepared and recorded a lien against the property formerly subject to the farmland

SENATE BILL 45**SECTION 1892**

1 preservation agreement for the total amount of the credits received by all owners
2 thereof under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~ during the last 10 years that the
3 land was eligible for such credit, plus 6% interest per year compounded from the time
4 of relinquishment. No interest shall be compounded for any period during which the
5 farmland is subject to a subsequent farmland preservation agreement or transition
6 area agreement or is zoned for exclusive agricultural use under an ordinance
7 certified under ~~subch. V s. 91.06, 1997 stats.~~

8 **SECTION 1893.** 91.19 (10) of the statutes is amended to read:

9 91.19 (10) The lien may be paid and discharged at any time and shall become
10 payable to the state by the owner of record at the time the land or any portion of it
11 is sold by the owner of record to any person except the owner's child or if the land is
12 converted to a use prohibited by the former farmland preservation agreement. Upon
13 reentry in an agreement under this subchapter or upon zoning for exclusively
14 agricultural use under an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, the
15 portion of the lien on the land reentered or so zoned shall be discharged. The
16 discharge of a lien does not affect the calculation of any subsequent lien under sub.
17 (7) or (8). The proceeds from the payment shall be paid into the general fund.

18 **SECTION 1894.** 91.19 (12) of the statutes is amended to read:

19 91.19 (12) No lien may be filed under sub. (7) or (8), on the date of
20 relinquishment, release or termination, for tax credits paid on lands or any portion
21 of them which are zoned for exclusively agricultural use under an ordinance certified
22 under ~~subch. V s. 91.06, 1997 stats.~~

23 **SECTION 1895.** 91.19 (13) of the statutes is amended to read:

24 91.19 (13) No lien may be filed under sub. (7) or (8) for any amount of tax credits
25 paid under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~ to any owner of farmland if, up to

SENATE BILL 45**SECTION 1895**

1 the date of relinquishment under sub. (1) or (1m) of the applicable farmland
2 preservation agreement or transition area agreement, all of the requirements under
3 this subchapter that relate to the agreement have been satisfied by the owner.

4 **SECTION 1896.** 91.21 (3) of the statutes is amended to read:

5 91.21 (3) If the owner or a successor in title of the land upon which a farmland
6 preservation agreement has been recorded under this chapter fails to comply with
7 s. 91.13 (8) ~~(d)~~ or (dm), such person shall be given one year to restore compliance
8 before the remedies of sub. (1) shall be applicable.

9 **SECTION 1897.** 91.25 of the statutes is created to read:

10 **91.25 Phaseout of agreements.** The department may not enter into, or
11 extend, an agreement under this subchapter after the effective date of this section
12 [revisor inserts date].

13 **SECTION 1898.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is
14 repealed.

15 **SECTION 1899.** Subchapter IV of chapter 91 [precedes 91.51] of the statutes is
16 repealed.

17 **SECTION 1900.** 91.71 of the statutes is repealed.

18 **SECTION 1901.** 91.73 (2) of the statutes is repealed.

19 **SECTION 1902.** 91.75 (intro.) of the statutes is amended to read:

20 **91.75 Ordinance standards.** (intro.) A zoning ordinance shall be deemed an
21 “exclusive agricultural use ordinance” if it includes those jurisdictional,
22 organizational or enforcement provisions necessary for its proper administration, if
23 the land in exclusive agricultural use districts is limited to agricultural use and is
24 identified as an agricultural preservation area under any agricultural preservation
25 plans adopted under subch. IV and if the regulations on the use of agricultural lands

SENATE BILL 45**SECTION 1902**

1 in such districts meet the following standards which, except for sub. (4), are
2 minimum standards:

3 **SECTION 1903.** 91.75 (1) of the statutes is repealed and recreated to read:

4 91.75 (1) A minimum lot size is specified.

5 **SECTION 1904.** 91.75 (6) of the statutes is amended to read:

6 91.75 (6) For purposes of farm consolidation and if permitted by local
7 regulation, farm residences or structures which existed prior to the adoption of the
8 ordinance may be separated from a larger farm parcel. ~~Farm residences or~~
9 ~~structures with up to 5 acres of land which are separated from a larger farm parcel~~
10 ~~under this section are not subject to the lien under s. 91.19 (8) to (10), as required in~~
11 ~~s. 91.77 (2) or 91.79.~~

12 **SECTION 1905.** 91.77 (2) of the statutes is repealed.

13 **SECTION 1906.** 91.78 of the statutes is repealed.

14 **SECTION 1907.** 91.79 of the statutes is repealed.

15 **SECTION 1908.** 91.80 (1) of the statutes is amended to read:

16 91.80 (1) ORDINANCE. Any county, city, village or town may require by separate
17 ordinance that land for which an owner ~~receives a zoning certificate under s. 71.59~~
18 ~~(1) (b) applies for a farmland preservation credit under ss. 71.59 and 71.60~~ be farmed
19 in compliance with reasonable soil and water conservation standards established by
20 the county land conservation committee.

21 **SECTION 1909.** 92.04 (2) (b) of the statutes is amended to read:

22 92.04 (2) (b) *Review and approve land and water resource management plans.*
23 The board shall review and approve or disapprove land and water resource
24 management plans prepared under s. 92.10 ~~and make recommendations to the~~
25 ~~department on approval or disapproval of those plans.~~

SENATE BILL 45**SECTION 1910**

1 **SECTION 1910.** 92.08 (1) of the statutes is amended to read:

2 92.08 (1) Every land conservation committee shall prepare annually for its
3 county a plan which describes the soil and water resource activities to be undertaken
4 by that county and the dollar amounts required for personnel to administer and
5 implement activities in that county related to soil conservation activities required
6 under ~~ss. 92.104 and s. 92.105~~ to claim a farmland preservation credit under subch.
7 ~~IX of ch. 71 ss. 71.59 and 71.60~~, activities required under s. 92.17 related to shoreland
8 management or activities required under s. 281.65 (8m) related to the development
9 or implementation of animal waste or construction site erosion ordinances. The land
10 conservation committee shall submit that plan to the county board of that county and
11 to the department.

12 **SECTION 1911.** 92.10 (4) (d) of the statutes is amended to read:

13 92.10 (4) (d) *Plan review.* The department, in consultation with the
14 department of natural resources, shall review ~~and approve or disapprove~~ land and
15 water resource management plans submitted by the land conservation committees,
16 summarize the plans and make recommendations to the board on approval or
17 disapproval of the plans. The department may require land conservation committees
18 to indicate specific projects to be funded under each plan and the related
19 cost-sharing rates.

20 **SECTION 1912.** 92.10 (5) (a) of the statutes is amended to read:

21 92.10 (5) (a) *Plan review.* The board shall review and approve or disapprove
22 land and water resource management plans submitted by the land conservation
23 committees ~~and make recommendations to the department.~~

24 **SECTION 1913.** 92.10 (6) (a) of the statutes is repealed and recreated to read:

SENATE BILL 45**SECTION 1913**

1 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare
2 a land and water resource management plan that, at a minimum, does all of the
3 following:

4 1. Assesses water quality and soil erosion conditions throughout the county.

5 2. Specifies water quality and soil erosion control goals and identifies the areas
6 that may not be meeting those goals.

7 3. Identifies applicable performance standards and prohibitions related to the
8 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil
9 erosion control, including those under this chapter and chs. 281 and 283 and ss.
10 59.692 and 59.693.

11 4. Includes a multiyear description of planned county activities, and priorities
12 for those activities, related to land and water resources, including those designed to
13 meet the goals specified under subd. 2. and to ensure compliance with the standards
14 and prohibitions identified under subd. 3.

15 5. Describes a system to monitor the progress of activities described in the plan.

16 6. Includes a strategy to provide information and education related to soil and
17 water resource management.

18 7. Describes methods for coordinating activities described in the plan with
19 programs of other local, state and federal agencies.

20 **SECTION 1914.** 92.104 of the statutes is repealed.

21 **SECTION 1915.** 92.105 (1) of the statutes is amended to read:

22 92.105 (1) **ESTABLISHMENT.** A land conservation committee shall establish soil
23 and water conservation standards. The standards and specifications for agricultural
24 facilities and practices that are constructed or begun on or after October 14, 1997,
25 and, if cost-sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or

SENATE BILL 45**SECTION 1915**

1 from any other source, for agricultural facilities and practices that are constructed
2 or begun before that date shall be consistent with the performance standards,
3 prohibitions, conservation practices and technical standards under s. 281.16 (3). It
4 Beginning on January 1, 2001, the standards shall be consistent with the tolerable
5 erosion level established under s. 92.04 (2) (i) and with nutrient management rules
6 promulgated under s. 92.05 (3) (k). A land conservation committee shall submit
7 these standards to the board for review.

8 **SECTION 1916.** 92.105 (2) of the statutes is amended to read:

9 92.105 (2) GUIDELINES; REVIEW. The board shall develop guidelines to be used
10 for the establishment and administration of soil and water conservation standards.
11 The board shall review and shall approve or disapprove submitted soil and water
12 conservation standards based on the guidelines it develops. If the board approves
13 soil and water conservation standards, it shall notify ~~any appropriate zoning~~
14 ~~authority~~ the land conservation committee of its approval.

15 **SECTION 1917.** 92.105 (3) of the statutes is amended to read:

16 92.105 (3) APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT.
17 A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59~~
18 ~~and 71.60~~ for claims relating to any land to which this section applies unless the land
19 conservation committee for the county where the property is located establishes soil
20 and water conservation standards which are approved by the board.

21 **SECTION 1918.** 92.105 (5) of the statutes is amended to read:

22 92.105 (5) NONCOMPLIANCE. If the land conservation committee determines
23 that farming operations on land to which this section applies do not comply with soil
24 and water conservation standards, it shall issue a notice of noncompliance to the
25 farmer and send a copy of the notice to ~~any appropriate zoning authority.~~ If no

SENATE BILL 45**SECTION 1918**

1 ~~appropriate zoning authority exists, it shall send a copy to the department of~~
2 ~~revenue. This notice of noncompliance remains in effect until canceled. If actions~~
3 ~~are taken to comply with the soil and water conservation standards in a manner~~
4 ~~satisfactory to the land conservation committee, it shall cancel the notice of~~
5 ~~noncompliance by notifying the farmer and by sending a copy of the cancellation to~~
6 ~~any appropriate zoning authority. If no appropriate zoning authority exists or if the~~
7 ~~original notice was sent to the department of revenue, it shall send a copy of the~~
8 ~~cancellation to the department of revenue.~~

9 **SECTION 1919.** 92.105 (6) of the statutes is amended to read:

10 92.105 (6) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland
11 preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~
12 if a notice of noncompliance is in effect with respect to a claimant to which this section
13 applies at the time the claim is filed.

14 **SECTION 1920.** 92.105 (7) (a) (title) of the statutes is repealed.

15 **SECTION 1921.** 92.105 (7) (a) of the statutes is renumbered 92.105 (7) and
16 amended to read:

17 92.105 (7) APPLICABILITY. This section and soil and water conservation
18 standards established under this section apply only to a person claiming a farmland
19 preservation credit under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~, land related to that
20 claim and farming operations on that land ~~and apply only as provided under pars.~~
21 ~~(b) to (d).~~

22 **SECTION 1922.** 92.105 (7) (b) to (d) of the statutes are repealed.

23 **SECTION 1923.** 92.14 (2) (e) of the statutes is amended to read:

SENATE BILL 45**SECTION 1923**

1 92.14 (2) (e) Promoting compliance with the requirements under ~~ss. 92.104 and~~
2 s. 92.105 by persons claiming a farmland preservation credit under ~~subch. IX of ch.~~
3 ~~71 ss. 71.59 and 71.60.~~

4 **SECTION 1924.** 92.14 (3) (a) of the statutes is amended to read:

5 92.14 (3) (a) Compliance with requirements under ~~ss. 92.104 and s. 92.105~~ by
6 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
7 and 71.60.

8 **SECTION 1925.** 92.14 (4) (b) of the statutes is amended to read:

9 92.14 (4) (b) Implementing land and water resource management projects
10 undertaken to comply with the requirements under ~~ss. 92.104 and s. 92.105~~ by
11 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~
12 and 71.60.

13 **SECTION 1926.** 92.14 (6) (c) 1. of the statutes is amended to read:

14 92.14 (6) (c) 1. Cost-effectiveness of an activity, including but not limited to
15 technical assistance, educational assistance, management practices, and satisfying
16 the requirements under ~~ss. 92.104 and s. 92.105~~ for claiming farmland preservation
17 credits under ~~subch. IX of ch. 71 ss. 71.59 and 71.60.~~

18 **SECTION 1927.** 93.06 (1n) of the statutes is created to read:

19 93.06 (1n) ELECTRONIC PROCESSING. (a) Accept and process by electronic means
20 applications and payments for licenses, permits, registrations and certificates that
21 are issued by the department.

22 (b) Accept and process by electronic means requests and payments for goods
23 and services that the department is authorized to provide.

SENATE BILL 45**SECTION 1927**

1 (c) Charge fees to cover the department's electronic processing costs under
2 pars. (a) and (b). The fees under this paragraph are in addition to any other fees
3 required to be paid to the department.

4 **SECTION 1928.** 93.06 (12) of the statutes is created to read:

5 93.06 (12) FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations
6 to seek the reform of federal milk marketing orders and other federally authorized
7 dairy pricing policies for the benefit of milk producers in this state.

8 **SECTION 1929.** 93.06 (12) of the statutes, as created by 1999 Wisconsin Act ...
9 (this act), is repealed.

10 **SECTION 1930.** 93.06 (13) of the statutes is created to read:

11 93.06 (13) PLANT PROTECTION AGREEMENTS. Enter into cooperative agreements
12 with corporations, associations, foundations and individuals to carry out plant
13 protection activities under ch. 94.

14 **SECTION 1931.** 93.12 (9) of the statutes is amended to read:

15 93.12 (9) The department shall recognize the accreditation, certification or
16 registration of a laboratory by the department of natural resources under s. 299.11
17 and shall accept the results of any test conducted by a laboratory accredited, certified
18 or registered to conduct that category of test under that section.

19 **SECTION 1932.** 93.135 (1) (b) of the statutes is amended to read:

20 93.135 (1) (b) A license under s. 94.10 (2) or (3) ~~or (4)~~.

21 **SECTION 1933.** 93.60 of the statutes is repealed.

22 **SECTION 1934.** 94.10 of the statutes is repealed and recreated to read:

23 **94.10 Nursery stock; inspection and licensing. (1) DEFINITIONS.** In this
24 section:

SENATE BILL 45**SECTION 1934**

1 (b) "Nonprofit organization" means an organization described in section 501 (c)
2 of the Internal Revenue Code that is exempt from federal income tax under section
3 501 (a) of the Internal Revenue Code.

4 (c) "Nursery" means premises in this state on which a person propagates or
5 grows nursery stock for sale. "Nursery" does not include heeling-in grounds or other
6 premises where a person holds nursery stock for purposes other than propagation or
7 growth.

8 (d) "Nursery dealer" means a person, other than a nursery grower, who sells,
9 offers for sale or distributes nursery stock from a location in this state.

10 (e) "Nursery grower" means a person who owns or operates a nursery.

11 (f) "Nursery stock" means plants and plant parts that can be propagated or
12 grown, including rooted Christmas trees, but excluding seeds, sod, cranberry
13 cuttings and annuals.

14 (g) "Officially inspected source" means any of the following:

- 15 1. A nursery dealer licensed under sub. (2).
- 16 2. A nursery grower licensed under sub. (3).
- 17 3. A source outside this state that the department recognizes under sub. (10)
18 as an officially inspected source.

19 (i) "Rooted Christmas tree" means an evergreen tree that is rooted in the soil
20 and grown for eventual harvest and sale as a Christmas tree.

21 (j) "Sell" means to transfer ownership, for consideration.

22 **(2) NURSERY DEALER; ANNUAL LICENSE.** (a) *License required.* Except as provided
23 in par. (f), no person may operate as a nursery dealer without an annual license from
24 the department. A nursery dealer license expires on February 20. A nursery dealer
25 license may not be transferred to another person.

SENATE BILL 45**SECTION 1934**

1 (b) *Applying for a license.* A person applying for a nursery dealer license under
2 par. (a) shall apply on a form provided by the department. An applicant shall provide
3 all of the following to the department:

4 1. The applicant's legal name and address and any other name under which the
5 applicant does business.

6 2. The address of each location at which the applicant proposes to hold nursery
7 stock for sale.

8 3. The license fee required under par. (c).

9 4. The surcharge required under par. (d), if any.

10 5. Other information reasonably required by the department for licensing
11 purposes.

12 (c) *License fee.* A nursery dealer shall pay the following annual license fee,
13 based on annual purchases calculated according to par. (e):

14 1. If the nursery dealer buys no more than \$5,000 worth of nursery stock for
15 resale, \$30.

16 2. If the nursery dealer buys more than \$5,000 but not more than \$20,000 worth
17 of nursery stock for resale, \$50.

18 3. If the nursery dealer buys more than \$20,000 but not more than \$100,000
19 worth of nursery stock for resale, \$100.

20 4. If the nursery dealer buys more than \$100,000 but not more than \$200,000
21 worth of nursery stock for resale, \$150.

22 5. If the nursery dealer buys more than \$200,000 but not more than \$500,000
23 worth of nursery stock for resale, \$200.

24 6. If the nursery dealer buys more than \$500,000 but not more than \$2,000,000
25 worth of nursery stock for resale, \$300.

SENATE BILL 45**SECTION 1934**

1 7. If the nursery dealer buys more than \$2,000,000 worth of nursery stock for
2 resale, \$400.

3 (d) *Surcharge for operating without a license.* In addition to the fee required
4 under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal
5 to the amount of that fee if the department determines that, within 365 days before
6 submitting the application, the applicant operated as a nursery dealer without a
7 license in violation of par. (a). Payment of the surcharge does not relieve the
8 applicant of any other penalty or liability that may result from the violation, but does
9 not constitute evidence of a violation of par. (a).

10 (e) *Calculating annual purchases.* The amount of an applicant's license fee
11 under par. (c) for a license year shall be based on the applicant's purchases of nursery
12 stock during the applicant's preceding fiscal year, except that if the applicant made
13 no purchases of nursery stock during the preceding fiscal year the fee shall be based
14 on the applicant's good faith prediction of purchases during the license year for which
15 the applicant is applying.

16 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

17 1. A person whose only sales of nursery stock are retail sales totaling less than
18 \$250 annually.

19 2. A person selling or offering to sell nursery stock pursuant to a valid permit
20 under par. (g).

21 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
22 may issue a temporary permit authorizing the permit holder to sell nursery stock,
23 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
24 days. An applicant for a temporary permit shall apply on a form provided by the
25 department and shall pay a fee of \$5. The department may impose written conditions

SENATE BILL 45**SECTION 1934**

1 on the temporary permit and may summarily suspend or revoke the permit if the
2 permit holder violates those conditions.

3 (3) NURSERY GROWER; ANNUAL LICENSE. (a) *License required.* Except as provided
4 in par. (f), no person may operate as a nursery grower without an annual license from
5 the department. A nursery grower license expires on February 20. A nursery grower
6 license may not be transferred to another person.

7 (b) *Applying for a license.* A person applying for a nursery grower license under
8 par. (a) shall apply on a form provided by the department. An applicant shall provide
9 all of the following to the department:

10 1. The applicant's legal name and address and any other name under which the
11 applicant does business.

12 2. The address of each location in this state at which the applicant operates a
13 nursery or holds nursery stock for sale.

14 3. The license fee required under par. (c) or (cm).

15 4. The surcharge required under (d), if any.

16 5. Other information reasonably required by the department for licensing
17 purposes.

18 (c) *License fee; general.* Except as provided in par. (cm), a nursery grower shall
19 pay the following annual license fee, based on annual sales calculated according to
20 par. (e):

21 1. If the nursery grower annually sells no more than \$5,000 worth of nursery
22 stock, \$40.

23 2. If the nursery grower annually sells more than \$5,000 but not more than
24 \$20,000 worth of nursery stock, \$75.

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1 3. If the nursery grower annually sells more than \$20,000 but not more than
2 \$100,000 worth of nursery stock, \$125.

3 4. If the nursery grower annually sells more than \$100,000 but not more than
4 \$200,000 worth of nursery stock, \$200.

5 5. If the nursery grower annually sells more than \$200,000 but not more than
6 \$500,000 worth of nursery stock, \$350.

7 6. If the nursery grower annually sells more than \$500,000 but not more than
8 \$2,000,000 worth of nursery stock, \$600.

9 7. If the nursery grower annually sells more than \$2,000,000 worth of nursery
10 stock, \$1,200.

11 (cm) *License fee; Christmas tree growers.* A Christmas tree grower shall pay
12 the following annual license fee, based on annual sales calculated according to par.
13 (e):

14 1. If the Christmas tree grower annually sells no more than \$5,000 worth of
15 Christmas trees, \$20.

16 2. If the Christmas tree grower annually sells more than \$5,000 but not more
17 than \$20,000 worth of Christmas trees, \$55.

18 3. If the Christmas tree grower annually sells more than \$20,000 but not more
19 than \$100,000 worth of Christmas trees, \$90.

20 4. If the Christmas tree grower annually sells more than \$100,000 but not more
21 than \$200,000 worth of Christmas trees, \$150.

22 5. If the Christmas tree grower annually sells more than \$200,000 but not more
23 than \$500,000 worth of Christmas trees, \$250.

24 6. If the Christmas tree grower annually sells more than \$500,000 but not more
25 than \$2,000,000 worth of Christmas trees, \$450.

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1 7. If the Christmas tree grower annually sells more than \$2,000,000 worth of
2 Christmas trees, \$900.

3 (d) *Surcharge for operating without a license.* In addition to the fee required
4 under par. (c) or (cm), an applicant for a nursery grower license shall pay a surcharge
5 equal to the amount of that fee if the department determines that, within 365 days
6 before submitting that application, the applicant operated as a nursery grower
7 without a license in violation of par. (a). Payment of the surcharge does not relieve
8 the applicant of any other penalty or liability that may result from the violation, but
9 does not constitute evidence of a violation of par. (a).

10 (e) *Calculating annual sales.* The amount of an applicant's license fee under
11 par. (c) or (cm) for a license year shall be based on the applicant's sales of nursery
12 stock during the applicant's preceding fiscal year, except that if the applicant made
13 no sales during the preceding fiscal year the fee shall be based on the applicant's good
14 faith prediction of sales during the license year for which the applicant is applying.

15 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

16 1. A nursery grower whose only sales of nursery stock are retail sales totaling
17 less than \$250 annually.

18 2. A person growing nursery stock for sale pursuant to a valid temporary permit
19 under par. (g).

20 (g) *Temporary permit; sales benefiting nonprofit organization.* The department
21 may issue a temporary permit authorizing the permit holder to sell nursery stock,
22 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive
23 days. An applicant for a temporary permit shall apply on a form provided by the
24 department and shall pay a fee of \$5. The department may impose written conditions

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1 on the temporary permit and may summarily suspend or revoke the permit if the
2 permit holder violates those conditions.

3 **(3m) NOTICE OF NEW LOCATIONS.** (a) The holder of a nursery dealer license shall
4 notify the department in writing before adding, during a license year, any new
5 location at which the license holder will hold nursery stock for sale. The license
6 holder shall specify the address of the new location in the notice.

7 (b) The holder of a nursery grower license shall notify the department in
8 writing before adding, during the license year, any new location at which the license
9 holder will operate a nursery or hold nursery stock for sale. The license holder shall
10 specify the address of the new location in the notice.

11 **(4) NURSERY GROWERS AND DEALERS; RECORDS.** (a) *Nursery dealers; records of*
12 *nursery stock received.* A nursery dealer shall keep a record of every shipment of
13 nursery stock received by the nursery dealer. The nursery dealer shall include all
14 of the following in the record:

15 1. A description of the types of nursery stock, and the quantity of nursery stock
16 of each type, included in the shipment.

17 2. The name and address of the source from which the nursery dealer received
18 the shipment.

19 (b) *Nursery growers and dealers; records of shipments to other nursery growers*
20 *and dealers.* Each nursery grower and nursery dealer shall record every shipment
21 of nursery stock that the nursery grower or nursery dealer sells or distributes to
22 another nursery grower or nursery dealer. The nursery grower or nursery dealer
23 shall include all of the following in the record:

24 1. A description of the types of nursery stock, and the quantity of nursery stock
25 of each type, included in the shipment.

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1 2. The name and address of the nursery grower or nursery dealer receiving the
2 shipment.

3 (c) *Records retained and made available.* A nursery grower or nursery dealer
4 who is required to keep records under par. (a) or (b) shall retain those records for at
5 least 3 years and shall make those records available to the department for inspection
6 and copying upon request.

7 **(5) LABELING NURSERY STOCK.** (a) *Nursery stock shipped to dealer.* No person
8 may sell or distribute any shipment of nursery stock to a nursery dealer, and no
9 nursery dealer may accept a shipment of nursery stock, unless that shipment is
10 labeled with all of the following:

11 1. The name and address of the person selling or distributing the shipment to
12 the nursery dealer.

13 2. A certification, by the person under subd. 1., that all of the nursery stock
14 included in the shipment is from officially inspected sources.

15 (b) *Growers and dealers to report unlabeled shipments.* Whenever any person
16 tenders to a nursery grower or nursery dealer any shipment of nursery stock that is
17 not fully labeled according to par. (a), the nursery grower or nursery dealer shall
18 promptly report that unlabeled shipment to the department.

19 (c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall
20 ensure that the nursery stock is labeled with the common or botanical name of the
21 nursery stock.

22 **(6) CARE OF NURSERY STOCK.** (a) *Adequate facilities.* A nursery grower or
23 nursery dealer shall maintain facilities that are reasonably adequate for the care and
24 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer
25 can keep the nursery stock in healthy condition pending sale.

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1 (b) *Reasonable examinations.* Nursery growers and nursery dealers shall make
2 reasonable examinations of nursery stock held for sale to determine whether that
3 nursery stock is capable of reasonable growth, is infested with injurious pests or is
4 infected with disease.

5 **(7) PROHIBITIONS.** (a) *Nursery dealers.* No nursery dealer may do any of the
6 following:

7 1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source
8 other than an officially inspected source.

9 2. Misrepresent that the nursery dealer is a nursery grower.

10 (b) *Nursery growers and dealers.* No nursery grower or nursery dealer may do
11 any of the following:

12 1. Sell, offer to sell or distribute any nursery stock that the nursery grower or
13 nursery dealer knows, or has reason to know, is infested with plant pests or infected
14 with plant diseases that may be spread by the sale or distribution of that nursery
15 stock.

16 2. Sell, offer to sell or distribute any nursery stock that the nursery grower or
17 nursery dealer knows, or has reason to know, will not survive or grow.

18 3. Misrepresent the name, origin, grade, variety, quality or hardiness of any
19 nursery stock offered for sale or make any other false or misleading representation
20 in the advertising or sale of nursery stock.

21 4. Conceal nursery stock to avoid inspection by the department, falsify any
22 record required under this section or make any false or misleading statement to the
23 department.

24 **(8) DEPARTMENT INSPECTION.** The department may inspect nurseries and
25 premises at which nursery stock is held for sale or distribution.

SENATE BILL 45**SECTION 1934**

1 **(9) DEPARTMENT ORDERS.** (a) *Holding orders and remedial orders.* An
2 authorized employe or agent of the department may, by written notice, order a
3 nursery grower or nursery dealer to do any of the following:

4 1. Temporarily hold nursery stock pending inspection by the department.

5 2. Remedy violations of this section.

6 3. Refrain from importing weeds or pests that threaten agricultural production
7 or the environment in this state.

8 4. Permanently withhold nursery stock from sale or distribution, if the sale or
9 distribution would violate this section or an order issued under this section and the
10 violation cannot be adequately remedied in another manner.

11 5. Destroy or return, without compensation from the department, nursery
12 stock that is sold or distributed in violation of this section, or an order issued under
13 this section, if the violation cannot be adequately remedied in another manner.

14 (b) *Hearing.* If the recipient of an order under par. (a) requests a hearing on
15 that order, the department shall hold an informal hearing within 10 days unless the
16 recipient of the order consents to a later date for an informal hearing. The request
17 for a hearing is not a request under s. 227.42 (2). If a contested matter is not resolved
18 at the informal hearing, the recipient of the order is entitled to a class 2 contested
19 case hearing under ch. 227. The department is not required to stay an order under
20 par. (a) pending the outcome of any hearing under this paragraph.

21 **(10) RECIPROCAL AGREEMENTS WITH OTHER STATES.** (a) *General.* The department
22 may enter into reciprocal agreements with other states to facilitate interstate
23 shipments of nursery stock.

SENATE BILL 45**SECTION 1934**

1 (b) *Officially inspected sources.* As part of an agreement under par. (a), the
2 department may recognize sources of nursery stock in another state as officially
3 inspected sources.

4 (c) *Inspection and certification standards.* An agreement under par. (a) may
5 specify standards and procedures for all of the following:

- 6 1. Inspecting officially inspected sources of nursery stock.
- 7 2. Inspecting and certifying interstate shipments of nursery stock.

8 **SECTION 1935.** 94.50 (2) of the statutes is amended to read:

9 **94.50 (2) GROWERS AND DEALERS; REGISTRATION.** No person may act as a grower
10 or a dealer unless he or she is registered with the department. Any person who acts
11 as a dealer and a grower shall register as both. Registrations shall be made annually
12 on a form provided by the department. Registrations expire on December 31 of each
13 year. A dealer shall pay to the department an annual registration fee of \$25. The
14 department shall assign a registration number to each person registered under this
15 subsection. All moneys collected under this subsection shall be credited to the
16 appropriation account under s. 20.115 (7) (ga).

17 **SECTION 1936.** 94.50 (3) (b) of the statutes is amended to read:

18 **94.50 (3) (b)** The department shall upon request provide each registered grower
19 and dealer with shipment certificates and report forms required under par. (a). The
20 department shall stamp each shipment certificate and report form with the
21 registration number of the grower or dealer. A shipment certificate and report form
22 is valid only if used during the registration period for which the stamp registration
23 number of the grower or dealer was issued. The department may charge a reasonable
24 fee to recover the costs related to providing shipment certificates and report forms.

SENATE BILL 45**SECTION 1936**

1 All moneys collected under this paragraph shall be credited to the appropriation
2 account under s. 20.115 (7) (ga).

3 **SECTION 1937.** 94.64 (4) (a) 1. of the statutes is amended to read:

4 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed
5 from July 1, 1997, to June 30, 1999 beginning on the effective date of this subdivision
6 ... [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for
7 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

8 **SECTION 1938.** 94.64 (4) (a) 6. of the statutes is created to read:

9 94.64 (4) (a) 6. Beginning on the effective date of this subdivision ... [revisor
10 inserts date], a weights and measures inspection fee of 2 cents per ton, with a
11 minimum fee of \$1.

12 **SECTION 1939.** 94.64 (4) (c) 6. of the statutes is created to read:

13 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the
14 appropriation account under s. 20.115 (1) (j).

15 **SECTION 1940.** 94.681 (2) (a) 1. to 3. of the statutes are amended to read:

16 94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during
17 the preceding year for use in this state, \$265, except that the fee is \$215 for the license
18 years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January 1, 2001, and
19 January 1, 2002.

20 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
21 during the preceding year for use in this state, \$750, except that the fee is \$650 for
22 the license years that begin on January 1, 1999, ~~and on January 1, 2000,~~ January
23 1, 2001, and January 1, 2002.

24 3. If the applicant sold at least \$75,000 of the product during the preceding year
25 for use in this state, \$1,500, except that the fee is \$1,200 for the license years that

SENATE BILL 45**SECTION 1940**

1 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~
2 2002.

3 **SECTION 1941.** 94.681 (2) (b) 1. to 3. of the statutes are amended to read:

4 94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during
5 the preceding year for use in this state, \$315, except that the fee is \$265 for the license
6 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
7 January 1, 2002.

8 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
9 during the preceding year for use in this state, \$860, except that the fee is \$760 for
10 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~
11 1, 2001, and January 1, 2002.

12 3. If the applicant sold at least \$75,000 of that product during the preceding
13 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years
14 that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
15 January 1, 2002.

16 **SECTION 1942.** 94.681 (2) (c) 1. to 3. of the statutes are amended to read:

17 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during
18 the preceding year for use in this state, \$320, except that the fee is \$270 for the license
19 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~
20 January 1, 2002.

21 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product
22 during the preceding year for use in this state, \$890, except that the fee is \$790 for
23 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~
24 1, 2001, and January 1, 2002.

SENATE BILL 45**SECTION 1942**

1 3. If the applicant sold at least \$75,000 of the product during the preceding year
2 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product
3 during the preceding year for use in this state, except that for the license years that
4 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~
5 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product
6 during the preceding year for use in this state.

7 **SECTION 1943.** 94.704 (3) (a) 1. of the statutes is amended to read:

8 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the
9 license years that begin on January 1, 1999, ~~and on January 1, 2000, January 1,~~
10 2001, and January 1, 2002.

11 **SECTION 1944.** 94.72 (6) (a) 1. and 2. of the statutes are amended to read:

12 94.72 (6) (a) 1. For commercial feeds distributed in this state during the years
13 ~~that begin on January 1, 1998, and on January 1, 1999, 15,~~ beginning on the effective
14 date of this subdivision [revisor inserts date], and ending on December 31, 2001,
15 a feed inspection fee of 13 cents per ton.

16 2. For commercial feeds distributed in this state on or after January 1, 2000,
17 ~~25~~ 2002, a feed inspection fee of 23 cents per ton.

18 **SECTION 1945.** 94.72 (6) (a) 3. of the statutes is created to read:

19 94.72 (6) (a) 3. Beginning on the effective date of this subdivision [revisor
20 inserts date], for commercial feeds distributed in this state a weights and measures
21 inspection fee of 2 cents per ton.

22 **SECTION 1946.** 95.21 (9) (c) of the statutes is created to read:

23 95.21 (9) (c) The department may provide training to persons who administer
24 local rabies control programs or who conduct rabies examinations under those
25 programs. The department may charge fees to cover the cost of training. The fees

SENATE BILL 45**SECTION 1946**

1 collected under this paragraph shall be credited to the appropriation under s. 20.115
2 (2) (j).

3 **SECTION 1947.** 97.30 (1) (bm) of the statutes is repealed and recreated to read:

4 97.30 (1) (bm) Except as provided by the department by rule, “potentially
5 hazardous food” means a food that requires temperature control because it is in a
6 form capable of supporting any of the following:

- 7 1. Rapid and progressive growth of infectious or toxicogenic microorganisms.
- 8 2. Growth and toxin production of *Clostridium botulinum*.
- 9 3. In raw shell eggs, growth of *Salmonella enteritidis*.

10 **SECTION 1948.** 97.34 (2) (c) of the statutes is amended to read:

11 97.34 (2) (c) The department may require testing of bottled drinking water for
12 substances subject to any standard under par. (b) and for any other substance if the
13 department determines that the water system used as the source of the bottled
14 drinking water has a potential of being contaminated, based on contamination of
15 other water systems or groundwater in the vicinity. The department shall adopt by
16 rule requirements for periodic sampling and analysis for the purposes of this
17 subsection. The department shall require all analyses to be conducted by a
18 laboratory accredited or certified under s. 299.11.

19 **SECTION 1949.** 97.42 (4) (intro.) of the statutes is amended to read:

20 97.42 (4) RULES. (intro.) The department shall may issue reasonable rules
21 requiring or prescribing any of the following:

22 **SECTION 1950.** 97.42 (4m) of the statutes is created to read:

23 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
24 under sub. (4), the operator of an establishment that is required to be licensed under
25 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and

SENATE BILL 45**SECTION 1950**

1 part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
2 establishments.

3 **SECTION 1951.** 98.04 (1) of the statutes is amended to read:

4 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a
5 population of more than 5,000, according to the latest federal census most recent
6 population estimate made by the department of administration under s. 16.96, shall
7 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it, a~~
8 municipality shall establish a municipal department of weights and measures. Each
9 municipal department of weights and measures shall have such number of qualified
10 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers
11 or inspectors shall have the same authority as sealers or inspectors of the
12 department. The selection of municipal sealers or inspectors shall be from a list of
13 applicants whose qualifications have been certified by the state or local civil service
14 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep
15 at all times a complete set of standards of weight and measure conforming to the
16 state standards, ~~and such standards shall be submitted~~ and shall submit the
17 standards for certification at regular intervals as required by the department. ~~It~~ The
18 municipality shall keep a complete record of its work and annually shall file a report
19 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances
20 ~~regulating~~ that regulate weights and measures and that are not in conflict with this
21 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~
22 that do not exceed the actual cost of ~~the municipal~~ its weights and measures
23 program.

24 **SECTION 1952.** 98.04 (2) of the statutes is repealed and recreated to read:

SENATE BILL 45**SECTION 1952**

1 98.04 (2) If a municipality is required to establish a department of weights and
2 measures under sub. (1), the municipality may contract with the department to
3 enforce the provisions of this chapter within the municipality's jurisdiction instead
4 of establishing its own department. The department may charge the municipality
5 fees sufficient to cover the department's costs under the contract. A municipality
6 may recover an amount not to exceed the cost of these fees by assessing fees on the
7 persons who receive services under the weights and measures program.

8 **SECTION 1953.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
9 27, section 2552f, is amended to read:

10 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the
11 department may establish a different fee by rule.

12 **SECTION 1954.** 98.245 (7) (title) and (a) of the statutes are repealed and
13 recreated to read:

14 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,
15 "meter servicer" means a person licensed under s. 98.18 to inspect and test meters
16 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid
17 form and by liquid measure.

18 **SECTION 1955.** 98.245 (7) (ag) and (ar) of the statutes are created to read:

19 98.245 (7) (ag) *License required.* Beginning on the effective date of this
20 paragraph [revisor inserts date], no person may operate a meter to measure
21 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid
22 measure unless the person holds an annual license issued by the department for the
23 meter. A separate license is required for each meter. A license is not transferable
24 between persons or meters. A license expires on July 31 of each year.

SENATE BILL 45**SECTION 1955**

1 (ar) *License application; fees.* 1. An applicant for the license required under
2 par. (ag) shall apply on a form provided by the department. The license application
3 shall be accompanied by the applicable fees under subds. 2. and 3.

4 2. Unless the department establishes a different fee by rule, the fee for an
5 annual license required under par. (ag) is \$25 for each meter.

6 3. In addition to the license fee under subd. 2., an applicant shall pay a license
7 fee surcharge of \$200 for a meter if the department determines that within one year
8 before making the application the applicant operated the meter in violation of par.
9 (ag). Payment of this surcharge does not relieve the applicant of any other civil or
10 criminal liability that the applicant may incur because of the violation of par. (ag),
11 but does not constitute evidence of a violation of a law.

12 **SECTION 1956.** 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

13 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for
14 a meter shall have that meter inspected and tested annually by a meter servicer. The
15 meter servicer shall inspect and test the meter for accuracy according to the
16 standards, specifications, tolerances and procedures that the department
17 establishes by rule.

18 **SECTION 1957.** 98.245 (7) (b) 2. of the statutes is amended to read:

19 98.245 (7) (b) 2. A Within 15 days after a meter servicer inspects and tests a
20 meter under subd. 1., the meter servicing company servicer shall file with report the
21 results to the department a report, for each meter, containing the results of the
22 testing under subd. 1. within 30 days after completing the testing in writing. If the
23 meter servicer fails to file the report within the 15 days, the department may assess
24 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's
25 license issued under s. 98.18.

SENATE BILL 45**SECTION 1958**

1 **SECTION 1958.** 98.245 (7) (b) 3. and 4. of the statutes are consolidated,
2 renumbered 98.245 (7) (b) 3m. and amended to read:

3 98.245 **(7)** (b) 3m. If the department determines that a meter has not been
4 inspected and tested under subd. 1. within the last year, the department shall ~~notify~~
5 ~~the owner. The owner shall have 30 days after being notified to have the meter~~
6 ~~tested.~~ 4. issue a written notice to the operator of the meter. Within 30 days after
7 the operator received the notice, the operator shall have the meter inspected and
8 tested as required under subd. 1. If the ~~owner~~ operator fails to have the owner's
9 ~~meter tested as required under subd. 3.~~ do so, the department may assess the ~~owner~~
10 operator a fee of ~~not more than~~ up to \$100 for that meter and may suspend or revoke
11 the operator's license issued under par. (ag) for that meter.

12 **SECTION 1959.** 98.245 (7) (b) 5. of the statutes is repealed.

13 **SECTION 1960.** 100.261 of the statutes is created to read:

14 **100.261 Consumer information assessment. (1)** If a court imposes a fine
15 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this
16 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall
17 also impose a consumer information assessment in an amount equal to 15% of the
18 fine or forfeiture imposed. If multiple violations are involved, the court shall base
19 the consumer information assessment upon the the total of the fine or forfeiture
20 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
21 court shall reduce the assessment in proportion to the suspension.

22 **(2)** If any deposit is made for a violation to which this section applies, the person
23 making the deposit shall also deposit a sufficient amount to include the consumer
24 information assessment required under this section. If the deposit is forfeited, the
25 amount of the consumer information assessment shall be transmitted to the state

SENATE BILL 45**SECTION 1960**

1 treasurer under sub. (3). If the deposit is returned, the consumer information
2 assessment shall also be returned.

3 (3) The clerk of court shall collect and transmit the consumer information
4 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county
5 treasure shall then make payment to the state treasurer under s. 59.25 (3) (f) 2. The
6 state treasure shall deposit the assessment amounts in the general fund, and the
7 amounts shall be credited to appropriation account under s. 20.115 (1) (jb).

8 **SECTION 1961.** 100.37 (2) (e) 2. e. of the statutes is created to read:

9 100.37 (2) (e) 2. e. Any fever thermometer containing elemental mercury.

10 **SECTION 1962.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

11 **SECTION 1963.** 100.48 (1) (ad) of the statutes is created to read:

12 100.48 (1) (ad) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

13 **SECTION 1964.** 100.48 (1) (ag) of the statutes is created to read:

14 100.48 (1) (ag) “Boat” has the meaning given in s. 30.50 (2).

15 **SECTION 1965.** 100.48 (1) (b) of the statutes is amended to read:

16 100.48 (1) (b) “Hour meter” means an instrument ~~on a piece of farm equipment~~
17 that measures and records the actual hours of operation of the ~~piece of farm~~
18 ~~equipment~~ vehicle or device to which the instrument is attached.

19 **SECTION 1966.** 100.48 (1) (c) of the statutes is created to read:

20 100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

21 **SECTION 1967.** 100.48 (2) of the statutes is amended to read:

22 100.48 (2) No person may, either personally or through an agent, remove,
23 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
24 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the

SENATE BILL 45**SECTION 1967**

1 intent to defraud by changing or affecting the number of hours of operation indicated
2 on the hour meter.

3 **SECTION 1968.** 100.48 (3) (a) of the statutes is amended to read:

4 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
5 replacement of an hour meter if the number of hours of operation indicated on the
6 hour meter remains the same as before the service, repair or replacement. If an hour
7 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
8 incapable of registering the same number of hours of operation as before its service,
9 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
10 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
11 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
12 number of hours of operation recorded on the hour meter prior to its service, repair
13 or replacement and the date on which it was serviced, repaired or replaced. No
14 person who services, repairs or replaces an hour meter attached to farm equipment,
15 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
16 same number of hours of operation as before such service, repair or replacement may
17 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
18 paragraph.

19 **SECTION 1969.** 100.48 (4) (a) of the statutes is amended to read:

20 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
21 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
22 for not more than one year in the county jail, or both, for each violation.

23 **SECTION 1970.** 100.48 (4) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 1970**

1 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
2 attached to farm equipment may be required to forfeit not more than \$500 for each
3 violation.

4 **SECTION 1971.** 100.48 (4) (c) of the statutes is created to read:

5 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
6 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more
7 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for
8 each violation.

9 **SECTION 1972.** 101.01 (4) of the statutes is amended to read:

10 101.01 (4) “Employer” means any person, firm, corporation, state, county,
11 town, city, village, school district, sewer district, drainage district, family care
12 district and other public or quasi-public corporations as well as any agent, manager,
13 representative or other person having control or custody of any employment, place
14 of employment or of any employe.

15 **SECTION 1973.** 101.09 (title) of the statutes is amended to read:

16 **101.09 (title) Storage of flammable and, combustibile and hazardous**
17 **liquids.**

18 **SECTION 1974.** 101.09 (1) (am) of the statutes is created to read:

19 101.09 (1) (am) “Federally regulated hazardous substance” means a hazardous
20 substance, as defined in 42 USC 9601 (14).

21 **SECTION 1975.** 101.09 (2) (a) of the statutes is amended to read:

22 101.09 (2) (a) Except as provided under pars. (b) to (d), every person who
23 constructs, owns or controls a tank for the storage, handling or use of ~~flammable or~~
24 ~~combustibile~~ liquid that is flammable or combustibile or a federally regulated
25 hazardous substance shall comply with the standards adopted under sub. (3).

SENATE BILL 45**SECTION 1976**

1 **SECTION 1976.** 101.09 (3) (a) of the statutes is amended to read:

2 101.09 (3) (a) The department shall promulgate by rule construction,
3 maintenance and abandonment standards applicable to tanks for the storage,
4 handling or use of ~~flammable and combustible~~ liquids that are flammable or
5 combustible or are federally regulated hazardous substances, and to the property
6 and facilities where the tanks are located, for the purpose of protecting the waters
7 of the state from harm due to contamination by ~~flammable and combustible~~ liquids
8 that are flammable or combustible or are federally regulated hazardous substances.
9 The rule shall comply with ch. 160. The rule may include different standards for new
10 and existing tanks, but all standards shall provide substantially similar protection
11 for the waters of the state. The rule shall include maintenance requirements related
12 to the detection and prevention of leaks. The rule may require any person supplying
13 heating oil to any noncommercial storage tank for consumptive use on the premises
14 to submit to the department, within 30 days after the department requests, the
15 location, contents and size of any such tank.

16 **SECTION 1977.** 101.09 (3) (b) of the statutes is repealed.

17 **SECTION 1978.** 101.123 (1) (b) of the statutes is amended to read:

18 101.123 (1) (b) “Inpatient health care facility” means a county home
19 established under s. 49.70, a county infirmary established under s. 49.72, or a
20 community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~
21 a tuberculosis sanatorium established under s. 58.06, ~~252.073 or 252.076~~.

22 **SECTION 1979.** 101.14 (5) of the statutes is amended to read:

23 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
24 department by rule for plan review and approval for the construction of a new or
25 additional installation or change in operation of a previously approved installation

SENATE BILL 45**SECTION 1979**

1 for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is
2 flammable or combustible or a federally regulated hazardous substance, as defined
3 in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each
4 plan review submittal. The moneys collected under this subsection shall be credited
5 to the environmental fund for environmental management.

6 (b) Notwithstanding par. (a), an installation for the storage, handling or use of
7 ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a
8 federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has
9 a capacity of less than 1,000 gallons is not subject to the groundwater fee under par.
10 (a).

11 **SECTION 1980.** 101.143 (2) (h) of the statutes is created to read:

12 101.143 (2) (h) The department may promulgate a rule specifying information
13 and audit requirements to implement sub. (4) (c) 8.

14 **SECTION 1981.** 101.143 (2) (i) of the statutes is created to read:

15 101.143 (2) (i) 1. The department may promulgate rules that specify a fee that
16 must be paid by a service provider as a condition of submitting a bid to conduct an
17 activity under sub. (3) (c) for which a claim for reimbursement under this section will
18 be submitted. Any fees collected under the rules shall be deposited in the petroleum
19 inspection fund.

20 2. If the department promulgates rules under subd. 1., the department may
21 purchase, or provide funding for the purchase of, insurance to cover the amount by
22 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to
23 conduct those activities.

24 **SECTION 1982.** 101.143 (2e) of the statutes is created to read:

SENATE BILL 45**SECTION 1982**

1 101.143 **(2e)** AWARD PRIORITIES. (a) The department may promulgate rules for
2 assigning an award priority to each occurrence that the department determines may
3 result in an award under sub. (4), except for occurrences resulting from discharges
4 from home oil tank systems, petroleum product storage systems that are described
5 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school
6 districts and that are used for storing heating oil for consumptive use on the premises
7 where stored. If the department promulgates rules under this paragraph, it shall
8 base the award priorities on environmental factors and any other factors that the
9 department considers appropriate. The rules may only apply to occurrences for
10 which remedial action plans are approved under sub. (3) (cs) after the effective date
11 of the rules.

12 (b) If the department promulgates rules under par. (a), the department shall
13 pay awards under sub. (4) for occurrences to which the rules apply in order of the
14 award priorities under those rules.

15 (c) If the department promulgates rules under par. (a), the department shall
16 notify an owner or operator of a petroleum product storage system to which the rules
17 apply of the date on which the department determines that it is appropriate to begin
18 activities under sub. (3) (c) 3. or (g) with respect to a discharge from that system,
19 based on the department's estimate of when funds will be available to pay an award
20 to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3)
21 and (7) (c), an owner or operator to whom rules under par. (a) apply is not required
22 to begin activities under sub. (3) (c) 3. or (g) until the date on which the department
23 determines it is appropriate to begin those activities. If an owner or operator begins
24 activities under sub. (3) (c) 3. or (g) before the date when the department determines
25 it is appropriate to begin those activities, the department may deny the payment of

SENATE BILL 45**SECTION 1982**

1 interest costs to the owner or operator, as provided in the rules promulgated by the
2 department.

3 **SECTION 1983.** 101.143 (3) (c) 2. of the statutes is amended to read:

4 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific
5 remedial action activities proposed to be conducted under subd. 3. and submit the
6 remedial action plan to the department for approval.

7 **SECTION 1984.** 101.143 (3) (cs) of the statutes is created to read:

8 101.143 (3) (cs) *Review of remedial action plans.* The department shall review
9 and approve or disapprove remedial action plans submitted under par. (c) 2.

10 **SECTION 1985.** 101.143 (3) (d) of the statutes is amended to read:

11 101.143 (3) (d) *Review of site investigations, remedial action plans and*
12 *remedial action activities.* ~~The department of natural resources or, if the discharge~~
13 ~~is covered under s. 101.144 (2) (b), the department of commerce shall, at the request~~
14 ~~of the claimant, review the site investigation and the remedial action plan and advise~~
15 ~~the claimant on the adequacy of proposed remedial action activities in meeting the~~
16 ~~requirements of s. 292.11. The advice is not an approval of the remedial action~~
17 ~~activities.~~ The department of natural resources or, if the discharge is covered under
18 s. 101.144 (2) (b), the department of commerce shall complete a final review of the
19 remedial action activities within 60 days after the claimant notifies the appropriate
20 department that the remedial action activities are completed.

21 **SECTION 1986.** 101.143 (4) (c) 8. of the statutes is amended to read:

22 101.143 (4) (c) 8. ~~Interest~~ Any interest costs incurred by an applicant with gross
23 revenues that exceed \$20,000,000 in the most recent tax year before the applicant
24 submits a claim. ~~For any other applicant, interest costs that exceed interest at 1%~~
25 ~~over the prime rate, as determined under rules promulgated by the department~~ 5%.

SENATE BILL 45**SECTION 1987**

1 **SECTION 1987.** 101.143 (4) (d) 2. (intro.) of the statutes is amended to read:

2 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
3 paragraph without regard to fault in an amount equal to the amount of the eligible
4 costs that exceeds a the deductible amount of \$2,500 plus 5% of the eligible costs, but
5 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~
6 ~~petroleum product storage system that is owned by a school district or a technical~~
7 ~~college district and that is used for storing heating oil for consumptive use on the~~
8 ~~premises is 25% of eligible costs~~ under par. (dg). An award issued under this
9 paragraph may not exceed the following for each occurrence:

10 **SECTION 1988.** 101.143 (4) (d) 2. a. of the statutes is amended to read:

11 101.143 (4) (d) 2. a. For an owner or operator of an underground petroleum
12 product storage tank system that is located at a facility at which petroleum is stored
13 for resale or an owner or operator of an underground petroleum product storage tank
14 system that handles an annual average of more than 10,000 gallons of petroleum per
15 month, \$1,000,000, except that, if the site is classified as medium priority or low
16 priority under s. 101.144 (3g) (a), an award issued under this paragraph may not
17 exceed \$100,000 for each occurrence.

18 **SECTION 1989.** 101.143 (4) (d) 2. b. of the statutes is amended to read:

19 101.143 (4) (d) 2. b. For an owner or operator other than an owner or operator
20 under subd. 2. a., c. or d., \$500,000, except that, if the site is classified as medium
21 priority or low priority under s. 101.144 (3g) (a), an award issued under this
22 paragraph may not exceed \$100,000 for each occurrence.

23 **SECTION 1990.** 101.143 (4) (d) 2. d. of the statutes is amended to read:

24 101.143 (4) (d) 2. d. For a school district or a technical college district with
25 respect to a discharge from a petroleum product storage system that is used for

SENATE BILL 45**SECTION 1990**

1 storing heating oil for consumptive use on the premises where stored, \$190,000,
2 except that, if the site is classified as medium priority or low priority under s. 101.144
3 (3g) (a), an award issued under this paragraph may not exceed \$100,000 for each
4 occurrence.

5 **SECTION 1991.** 101.143 (4) (dg) of the statutes is created to read:

6 101.143 (4) (dg) *Deductible; underground systems.* The amount of the
7 deductible for an award under par. (d) is as follows for each occurrence:

8 1. Except as provided under par. (di), for an owner or operator of an
9 underground petroleum product storage tank system that is located at a facility at
10 which petroleum is stored for resale or an owner or operator of an underground
11 petroleum product storage tank system that handles an annual average of more than
12 10,000 gallons of petroleum per month, \$10,000, plus \$2,500 if the eligible costs
13 exceed \$50,000, plus \$2,500 if the eligible costs exceed \$80,000, plus \$10,000 for each
14 whole \$100,000 by which eligible costs exceed \$150,000.

15 2. For a school district or a technical college district with respect to a discharge
16 from an underground petroleum product storage tank system that is used for storing
17 heating oil for consumptive use on the premises, 25% of eligible costs.

18 3. For an owner or operator other than an owner or operator described in subd.
19 1. or 2., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

20 **SECTION 1992.** 101.143 (4) (di) of the statutes is created to read:

21 101.143 (4) (di) *Rules concerning deductible for underground systems.* The
22 department may promulgate rules describing a class of owners and operators of
23 underground petroleum product storage tanks otherwise subject to par. (dg) 1. for
24 whom the deductible is the amount under par. (dg) 3. rather than the amount under
25 par. (dg) 1.

SENATE BILL 45**SECTION 1993**

1 **SECTION 1993.** 101.143 (4) (dm) 2. a. of the statutes is amended to read:

2 101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%
3 15% of the amount by which eligible costs exceed \$200,000.

4 **SECTION 1994.** 101.143 (9m) of the statutes is created to read:

5 101.143 (9m) REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the
6 petroleum storage remedial action program is a special fund program, and the
7 petroleum inspection fund is a special fund. The petroleum inspection fund is a
8 segregated fund created by the imposition of fees, penalties or excise taxes. The
9 legislature finds and determines that a nexus exists between the petroleum storage
10 remedial action program and the petroleum inspection fund in that fees imposed on
11 users of petroleum are used to remedy environmental damage caused by petroleum
12 storage.

13 (b) Deposits, appropriations or transfers to the petroleum inspection fund for
14 the purposes of the petroleum storage remedial action program may be funded with
15 the proceeds of revenue obligations issued subject to and in accordance with subch.
16 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
17 of ch. 18.

18 (e) The department shall have all other powers necessary and convenient to
19 distribute the special fund revenues and to distribute the proceeds of the revenue
20 obligations in accordance with subch. II of ch. 18 and, if designated a higher
21 education bond, in accordance with subch. IV of ch. 18.

22 (f) The department may enter into agreements with the federal government or
23 its agencies, political subdivisions of this state, individuals or private entities to
24 insure or in any other manner provide additional security for the revenue obligations
25 issued under this subsection.

SENATE BILL 45**SECTION 1994**

1 (g) Revenue obligations may be contracted by the building commission when
2 it reasonably appears to the building commission that all obligations incurred under
3 this subsection can be fully paid on a timely basis from moneys received or
4 anticipated to be received. Revenue obligations issued under this subsection may not
5 exceed \$450,000,000 in principal amount. In addition to this limit on principal
6 amount, the building commission may contract revenue obligations under this
7 subsection as the building commission determines is desirable to fund or refund
8 outstanding revenue obligations, to pay issuance or administrative expenses, to
9 make deposits to reserve funds or to pay accrued or capitalized interest.

10 (h) Unless otherwise expressly provided in resolutions authorizing the
11 issuance of revenue obligations or in other agreements with the owners of revenue
12 obligations, each issue of revenue obligations under this subsection shall be on a
13 parity with every other revenue obligation issued under this subsection and in
14 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
15 accordance with subch. IV of ch. 18.

16 (i) Recognizing its moral obligation to do so, the legislature expresses its
17 expectation and aspiration that, if the legislature reduces the rate of the petroleum
18 inspection fee and if the funds in the petroleum inspection fund are insufficient to
19 pay the principal and interest on the revenue obligations issued under subch. II or
20 IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation
21 from the general fund sufficient to pay the principal and interest on the obligations.

22 **SECTION 1995.** 101.143 (12) of the statutes is created to read:

23 101.143 (12) REPORT. No later than each January 1 and July 1, the department
24 of commerce and the department of natural resources shall submit to the governor
25 and to the appropriate standing committees of the legislature, under s. 13.172 (3),

SENATE BILL 45**SECTION 1995**

1 a report concerning petroleum product storage systems and home oil tank systems
2 from which discharges have occurred for which remedial action activities are being
3 conducted. The departments shall provide all of the following information for each
4 petroleum product storage system and home oil tank system:

5 (a) The date on which the record of the site investigation was received.

6 (b) The environmental risk factors, as defined by the department of commerce
7 by rule, identified at the site.

8 (c) The year in which the approval under sub. (3) (c) 4. is expected to be issued.

9 **SECTION 1996.** 101.144 (2) (b) 1. of the statutes is amended to read:

10 101.144 (2) (b) 1. The site of the discharge is classified, as provided in rules
11 promulgated under sub. ~~(3m) (a) 3.~~ (3g) (a), as medium priority or low priority, based
12 on the threat that the discharge poses to public health, safety and welfare and to the
13 environment, subject to sub. (3g) (b).

14 **SECTION 1997.** 101.144 (3g) of the statutes is created to read:

15 101.144 (3g) (a) The department of commerce and the department of natural
16 resources, shall attempt to reach an agreement that is consistent with par. (b) and
17 that specifies procedures and standards for determining whether the site of a
18 discharge of a petroleum product from a petroleum storage tank is classified as high
19 priority, medium priority or low priority. If the department of commerce and the
20 department of natural resources are unable to reach an agreement, they shall refer
21 the matters on which they are unable to agree to the secretary of administration for
22 resolution. The secretary of administration shall resolve any matters on which the
23 departments disagree in a manner that is consistent with par. (b). The department
24 of commerce shall promulgate rules incorporating any agreement between the
25 department of commerce and the department of natural resources under this

SENATE BILL 45**SECTION 1997**

1 paragraph and any resolution of disagreements between the departments by the
2 secretary of administration under this paragraph.

3 (b) The department of commerce may not provide, in the rules under par. (a),
4 that all sites at which an enforcement standard, as defined in s. 160.01 (2), is
5 exceeded are classified as high priority. The department shall design the rules under
6 par. (a) to classify no more than 50% of sites as high priority. If 6 months after the
7 rules under par. (a) are in effect more than 50% of sites are classified as high priority,
8 the department shall revise the rules.

9 **SECTION 1998.** 101.144 (3m) (a) 3. of the statutes is amended to read:

10 101.144 (3m) (a) 3. Establishes ~~procedures, standards and~~ schedules for
11 determining whether the site of a discharge of a petroleum product from a petroleum
12 storage tank is classified as high priority, medium priority or low priority.

13 **SECTION 1999.** 102.01 (2) (d) of the statutes is amended to read:

14 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
15 district, sewer district, drainage district and family care district and other public or
16 quasi-public corporations.

17 **SECTION 2000.** 102.04 (1) (a) of the statutes is amended to read:

18 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
19 district, drainage district, family care district and other public or quasi-public
20 corporations therein.

21 **SECTION 2001.** 102.26 (2m) of the statutes is repealed.

22 **SECTION 2002.** 102.27 (2) (a) of the statutes is amended to read:

23 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
24 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or
25 767.62 (4) (b) 3.

SENATE BILL 45**SECTION 2003**

1 **SECTION 2003.** 102.29 (9) of the statutes is amended to read:

2 102.29 (9) No participant in a work experience component of a job opportunities
3 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered
4 to be an employe of the agency administering that program, or who, under s. 49.193
5 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
6 administering the work experience component, and who makes a claim for
7 compensation under this chapter may make a claim or maintain an action in tort
8 against the employer who provided the work experience from which the claim arose.
9 This subsection does not apply to injuries occurring after February 28, 1998.

10 **SECTION 2004.** 102.42 (6) of the statutes is amended to read:

11 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
12 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
13 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
14 disability of an employe, if the death be caused, or insofar as the disability may be
15 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
16 or follow any competent and reasonable medical, surgical or dental treatment or, in
17 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
18 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
19 The right to compensation accruing during a period of refusal or neglect to submit
20 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
21 department to be necessary in the case of tuberculosis shall be barred, irrespective
22 of whether disability was aggravated, caused or continued thereby.

23 **SECTION 2005.** 103.001 (6) of the statutes is amended to read:

24 103.001 (6) "Employer" means any person, firm, corporation, state, county,
25 town, city, village, school district, sewer district, drainage district, family care

SENATE BILL 45**SECTION 2005**

1 district and other public or quasi-public corporations as well as any agent, manager,
2 representative or other person having control or custody of any employment, place
3 of employment or of any employe.

4 **SECTION 2006.** 106.115 (1) (b) of the statutes is repealed.

5 **SECTION 2007.** 106.115 (1) (f) of the statutes is repealed.

6 **SECTION 2008.** 106.115 (1) (g) of the statutes is repealed.

7 **SECTION 2009.** 106.115 (1) (i) of the statutes is amended to read:

8 106.115 (1) (i) The national and community service corps under 42 USC 12501
9 to 12682 and s. ~~16.22~~ 46.78.

10 **SECTION 2010.** 106.115 (2) (e) of the statutes is repealed.

11 **SECTION 2011.** 106.115 (2) (em) of the statutes is repealed.

12 **SECTION 2012.** 106.12 (title) of the statutes is amended to read:

13 **106.12** (title) ~~Division of connecting education and work~~ Governor's
14 work-based learning board.

15 **SECTION 2013.** 106.12 of the statutes is renumbered 106.12 (2) and amended
16 to read:

17 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. ~~Based on the~~
18 ~~recommendations of the governor's council on workforce excellence, the division of~~
19 ~~connecting education and work~~ The board shall plan, coordinate, administer and
20 implement the department's workforce excellence initiatives, programs, policies and
21 funding, the youth apprenticeship and, school-to-work, technical college study
22 grant and work-based learning programs under s. 106.13 (1) and such other
23 employment and education programs as the governor may by executive order assign
24 to the ~~division~~ board. Notwithstanding any limitations placed on the use of state
25 employment and education funds under this section or s. 106.13, or 106.14, ~~106.15,~~

SENATE BILL 45**SECTION 2013**

1 ~~106.20 or 106.21~~ or under an executive order assigning an employment and
2 education program to the ~~division~~ board, the secretary board may issue a general or
3 special order waiving any of those limitations on finding that the waiver will promote
4 the coordination of employment and education services.

5 **SECTION 2014.** 106.12 (1) of the statutes is created to read:

6 106.12 (1) DEFINITION. In this section and ss. 106.13 and 106.14, "board" means
7 the governor's work-based learning board.

8 **SECTION 2015.** 106.12 (3) of the statutes is created to read:

9 106.12 (3) EXECUTIVE DIRECTOR. The governor shall appoint an executive
10 director of the board outside the classified service to serve at the pleasure of the
11 governor. The executive director shall be in charge of the board's administrative
12 functions.

13 **SECTION 2016.** 106.13 (title) of the statutes is amended to read:

14 **106.13** (title) **Youth apprenticeship and, school-to-work technical**
15 **college study grant and work-based learning programs.**

16 **SECTION 2017.** 106.13 (1) of the statutes is amended to read:

17 106.13 (1) The department board shall provide a youth apprenticeship
18 program and that includes the grant programs under subs. (3m) and (4), a
19 school-to-work program in accordance with 20 USC 6101 to 6251, that includes the
20 school-to-work program for children at risk under sub. (4m), a technical college
21 study grant program as described in sub. (4g) and, for youths who are eligible to
22 receive temporary assistance for needy families under 42 USC 601 to 619, a
23 work-based learning program.

24 **SECTION 2018.** 106.13 (2) of the statutes is amended to read:

SENATE BILL 45**SECTION 2018**

1 106.13 (2) The governor’s council on workforce excellence, the technical college
2 system board and the department of public instruction shall assist the department
3 of workforce development board in providing the youth apprenticeship program and,
4 the school-to-work program, the technical college study grant program and the
5 work-based learning program under sub. (1).

6 **SECTION 2019.** 106.13 (2m) of the statutes is renumbered 106.13 (2m) (a) and
7 amended to read:

8 106.13 (2m) (a) ~~After reviewing the recommendations of the governor’s council~~
9 ~~on workforce excellence under s. 106.115 (2) (e), the department~~ The board shall
10 approve occupations, and maintain a list of approved occupations, for the youth
11 apprenticeship program, shall approve the curricula developed under par. (b) for
12 youth apprenticeship programs for those approved occupations and shall approve
13 statewide skill standards for the school-to-work program.

14 **(b)** From the appropriation under s. ~~20.445 (1) (ev)~~ 20.292 (1) (m), the
15 department ~~shall~~ technical college system board shall expend not more than
16 \$125,000 in each fiscal year to develop curricula for youth apprenticeship programs
17 for occupations approved under ~~this subsection~~ par. (a). In developing that curricula,
18 the technical college system board shall consult with the governor’s work-based
19 learning board.

20 **SECTION 2020.** 106.13 (3m) of the statutes is created to read:

21 106.13 (3m) (a) In this subsection, “local partnership” means one or more
22 school districts, or any combination of one or more school districts, other public
23 agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)
24 (a) 1., individuals or other persons, who have agreed to be responsible for
25 implementing and coordinating a local youth apprenticeship program.

SENATE BILL 45**SECTION 2020**

1 (b) From the appropriation under s. 20.445 (7) (b), the board shall award grants
2 to applying local partnerships for the implementation and coordination of local youth
3 apprenticeship programs. A local partnership shall include in its grant application
4 the identity of each public agency, nonprofit organization, individual and other
5 person who is a participant in the local partnership, a plan to accomplish the
6 implementation and coordination activities specified in subds. 1. to 6. and the
7 identity of a fiscal agent who shall be responsible for receiving, managing and
8 accounting for the grant moneys received under this paragraph. A local partnership
9 that is awarded a grant under this paragraph may use the grant moneys awarded
10 for any of the following implementation and coordination activities:

11 1. Recruiting employers to provide on-the-job training and supervision for
12 youth apprentices and providing technical assistance to those employers.

13 2. Recruiting students to participate in the local youth apprenticeship program
14 and monitoring the progress of youth apprentices participating in the program.

15 3. Coordinating youth apprenticeship training activities within participating
16 school districts and among participating school districts, postsecondary institutions
17 and employers.

18 4. Coordinating academic, vocational and occupational learning, school-based
19 and work-based learning and secondary and postsecondary education for
20 participants in the local youth apprenticeship program.

21 5. Assisting employers in identifying and training workplace mentors and
22 matching youth apprentices and mentors.

23 6. Any other implementation or coordination activity that the board may direct
24 or permit the local partnership to perform.

25 **SECTION 2021.** 106.13 (4) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 2021**

1 106.13 (4) (b) From the appropriation under s. 20.445 ~~(1)~~ (7) (em), the
2 department board may award a grant to a public agency or a nonprofit organization,
3 or to an employer that is responsible for the on-the-job training and supervision of
4 a youth apprentice. A public agency or non-profit organization that receives a grant
5 under this subsection shall use the funds awarded under the grant to award training
6 grants to employers that provide on-the-job training and supervision for youth
7 apprentices. Subject to par. (c), a training grant provided under this subsection may
8 be awarded to an employer for each youth apprentice who receives at least 180 hours
9 of paid on-the-job training from the employer during a school year, as defined in s.
10 115.001 (13). The amount of a training grant may not exceed \$500 per youth
11 apprentice per school year. A training grant may not be awarded for any specific
12 youth apprentice for more than 2 school years.

13 **SECTION 2022.** 106.13 (4) (c) of the statutes is amended to read:

14 106.13 (4) (c) Notwithstanding par. (b), the ~~department~~ board may award a
15 training grant under this subsection to an employer that provides less than 180
16 hours of paid on-the-job training for a youth apprentice during a school year, as
17 defined in s. 115.001 (13), if the ~~department~~ board determines that it would be
18 beneficial for the youth apprentice to receive on-the-job training from more than one
19 employer.

20 **SECTION 2023.** 106.13 (4g) of the statutes is created to read:

21 106.13 (4g) (a) From the appropriation under s. 20.445 (7) (c), the board may
22 award study grants to high school graduates who meet or exceed a grade point
23 average determined by the board and who enroll full-time in a technical college
24 district school under ch. 38 within one year after graduation from high school.

SENATE BILL 45**SECTION 2023**

1 (b) The board shall establish requirements, including a minimum grade point
2 average requirement, that a student must meet to be eligible to receive a study grant
3 under par. (a). Notwithstanding sub. (5), those requirements need not be
4 promulgated as rules.

5 **SECTION 2024.** 106.13 (5) of the statutes is amended to read:

6 106.13 (5) The ~~department~~ board shall promulgate rules to administer this
7 section.

8 **SECTION 2025.** 106.14 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
9 section 2679, is amended to read:

10 106.14 (1) ~~The department~~ From the appropriation under s. 20.445 (7) (g), the
11 board may award grants to nonprofit corporations and public agencies for the
12 provision of career counseling centers throughout the state.

13 **SECTION 2026.** 106.14 (3) of the statutes is amended to read:

14 106.14 (3) Any nonprofit corporation or public agency may apply for a grant to
15 operate a career counseling center under this section. The ~~department~~ board shall
16 review the applications submitted under this subsection according to procedures and
17 criteria established by the ~~department~~ board.

18 **SECTION 2027.** 106.14 (4) of the statutes is amended to read:

19 106.14 (4) Amounts awarded under sub. (3) may be paid in instalments and
20 shall range from 25% to 75% of the total cost of operating the career counseling
21 center, except that after 3 years of receiving grant funds under this section a grant
22 recipient may receive no more than 50% of the total cost of operating the career
23 counseling center. ~~The department~~ board shall require the grant recipient to provide
24 the remaining percentage share of the total project cost.

25 **SECTION 2028.** 106.18 of the statutes is repealed.

SENATE BILL 45**SECTION 2029**

1 **SECTION 2029.** 106.215 (10) (g) 1. of the statutes is amended to read:

2 106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month
3 to one-year period of continuous employment, as determined by standards adopted
4 by the board, and who receives a satisfactory employment evaluation upon
5 termination of employment is entitled to an incentive payment of \$500 prorated in
6 the same proportion as the number of hours of employment completed by that person
7 bears to 2,080 hours or an education voucher that is worth at least double the
8 monetary value of the prorated incentive payment, but not more than ~~\$2,600~~ \$2,800
9 prorated in the same proportion as the number of hours of employment completed
10 by that person bears to 2,080 hours. No corps enrollee may receive more than 2
11 incentive payments or 4 education vouchers.

12 **SECTION 2030.** 108.20 (2m) of the statutes, as affected by 1997 Wisconsin Act
13 39, section 146, is amended to read:

14 108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge), (gf) and
15 (gg) which are received by the administrative account as interest and penalties
16 under this chapter, the department shall pay the benefits chargeable to the
17 administrative account under s. 108.07 (5) and the interest payable to employers
18 under s. 108.17 (3m) and may pay interest due on advances to the unemployment
19 reserve fund from the federal unemployment account under title XII of the social
20 security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit
21 exception concerning a payment from the fund or any federal aid disallowance
22 involving the unemployment insurance program, or may make payments to the fund
23 if such action is necessary to obtain a lower interest rate or deferral of interest
24 payments on advances from the federal unemployment account under title XII of the
25 social security act or may transfer moneys from the appropriation account under s.

SENATE BILL 45**SECTION 2030**

1 20.445 (1) (gd) to the appropriation under s. 20.445 (7) (k) for the payment of career
2 counseling center grants under s. 106.14, except that any interest earned pending
3 disbursement of federal employment security grants under s. 20.445 (1) (n) shall be
4 credited to the general fund. Any moneys reverting to the administrative account
5 from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided
6 in this subsection.

7 **SECTION 2031.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

8 110.07 (1) (a) (intro.) The secretary shall employ not ~~to exceed 385~~ more than
9 400 traffic officers. ~~Such~~ The state traffic patrol consists of the traffic officers, in
10 ~~addition to~~ the person designated to head them whose position shall be in the
11 classified service, ~~shall constitute the~~ and, if certified under s. 165.85 (4) (b) 1. as
12 qualified to be a law enforcement officer, the division administrator who is counted
13 under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic
14 patrol. The division administrator may not be counted under this paragraph.
15 Members of the state traffic patrol, and shall:

16 **SECTION 2032.** 110.07 (6) of the statutes is created to read:

17 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.
18 and whose duties include supervising the state traffic patrol shall be designated
19 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)
20 (b) 1. as qualified to be a law enforcement officer.

21 **SECTION 2033.** 111.09 (2m) of the statutes is created to read:

22 111.09 (2m) The commission shall assess and collect a fee from any party who
23 requests that the commission assemble a panel of individuals who are not members
24 or employes of the commission to act as an arbitrator to resolve a dispute involving
25 the interpretation or application of a collective bargaining agreement under s.

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1 111.10. Any fee assessed and collected under this subsection shall be in addition to
2 any fee assessed and collected under sub. (2). The commission shall promulgate rules
3 establishing a schedule of fees to be paid under this subsection. Fees required to be
4 paid under this subsection shall be paid at the time of filing the request and any such
5 request may not be considered filed until the date that the fee is paid. Fees collected
6 under this subsection shall be credited to the appropriation account under s. 20.425
7 (1) (h).

8 **SECTION 2034.** 111.70 (1) (j) of the statutes is amended to read:

9 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
10 metropolitan sewerage district, school district, family care district or any other
11 political subdivision of the state ~~which~~ that engages the services of an employe and
12 includes any person acting on behalf of a municipal employer within the scope of the
13 person’s authority, express or implied.

14 **SECTION 2035.** 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are amended
15 to read:

16 111.70 (4) (m) (title) *Prohibited subjects of bargaining; school districts.*

17 1. Reassignment of municipal employes ~~who perform services for a board of~~
18 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a
19 decision of the ~~board of school directors~~ municipal employer to contract with an
20 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.
21 115.001 (1), or to convert a school to a charter school, or the impact of any such
22 reassignment on the wages, hours or conditions of employment of the municipal
23 employes who perform those services.

24 2. Reassignment of municipal employes ~~who perform services for a board of~~
25 ~~school directors~~, with or without regard to seniority, as a result of the decision of the

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1 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or
2 the impact of any such reassignment on the wages, hours or conditions of
3 employment of the municipal employes who perform those services.

4 4. Any decision of a ~~board of school directors~~ municipal employer to contract
5 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or
6 the impact of any such decision on the wages, hours or conditions of employment of
7 the municipal employes who perform services for the ~~board~~ municipal employer.

8 **SECTION 2036.** 111.71 (2m) of the statutes is created to read:

9 111.71 (2m) The commission shall assess and collect a fee from any party who
10 requests that the commission assemble a panel of individuals who are not members
11 or employes of the commission to act as an arbitrator to resolve a dispute involving
12 the interpretation or application of a collective bargaining agreement under s. 111.70
13 (4) (c) 2. or (cm) 4. Any fee assessed and collected under this subsection shall be in
14 addition to any fee assessed and collected under sub. (2). The commission shall
15 promulgate rules establishing a schedule of fees to be paid under this subsection.
16 Fees required to be paid under this subsection shall be paid at the time of filing the
17 request and any such request may not be considered filed until the date that the fee
18 is paid. Fees collected under this subsection shall be credited to the appropriation
19 account under s. 20.425 (1) (h).

20 **SECTION 2037.** 111.91 (2) (r) of the statutes is created to read:

21 111.91 (2) (r) The requirements related to offering point-of-service coverage
22 under s. 609.23.

23 **SECTION 2038.** 111.94 (2m) of the statutes is created to read:

24 111.94 (2m) The commission shall assess and collect a fee from any party who
25 requests that the commission assemble a panel of individuals who are not members

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1 or employes of the commission to act as an arbitrator to resolve a dispute involving
2 the interpretation or application of a collective bargaining agreement under s.
3 111.86. Any fee assessed and collected under this subsection shall be in addition to
4 any fee assessed and collected under sub. (2). The commission shall promulgate rules
5 establishing a schedule of fees to be paid under this subsection. Fees required to be
6 paid under this subsection shall be paid at the time of filing the request and any such
7 request may not be considered filed until the date that the fee is paid. Fees collected
8 under this subsection shall be credited to the appropriation account under s. 20.425
9 (1) (h).

10 **SECTION 2039.** 114.20 (11) of the statutes is amended to read:

11 114.20 (11) ISSUANCE OF CERTIFICATE OF REGISTRATION; DISPLAY OF CERTIFICATE;
12 REFUNDS. Upon payment of a registration fee or transfer of registration fee, the
13 department shall issue evidence of registration which shall be displayed at all times
14 in the manner prescribed by the department. A refund may be made for aircraft
15 registration fees paid in error as determined by the department. ~~Refunds under this~~
16 ~~section shall be paid out of the appropriation under s. 20.395 (4) (a).~~

17 **SECTION 2040.** 115.28 (24) of the statutes is amended to read:

18 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
19 local community organizations under sub. (21) and to school boards under ss. 115.36
20 and ~~115.362~~ 115.361, and in awarding grants from federal funds received under 20
21 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that
22 provide more than one of the educational services specified under sub. (21), s. 115.36,
23 ~~115.362~~ 115.361, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC 2301 to 2471,
24 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

25 **SECTION 2041.** 115.28 (25) of the statutes is created to read:

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1 115.28 **(25)** SCHOOL TECHNOLOGY RESOURCE GRANTS. Consult with the technology
2 for educational achievement in Wisconsin board before awarding school technology
3 resource grants under 20 USC 6842.

4 **SECTION 2042.** 115.28 (39) of the statutes is amended to read:

5 115.28 **(39)** ALCOHOL AND OTHER DRUG ABUSE REPORT. By July 1, 1998, and
6 biennially by July 1 thereafter, evaluate the effectiveness of the programs under ss.
7 115.36, and 115.361 ~~and 115.362~~ and submit a report to the legislature under s.
8 13.172 (2). To satisfy this reporting requirement as it pertains to s. 115.361, the
9 department may incorporate into the report under this subsection the report
10 required under s. 115.361 ~~(7)~~ ~~(e)~~ (2).

11 **SECTION 2043.** 115.355 of the statutes is amended to read:

12 **115.355 Assistance to schools for instruction on adoption.** The
13 department shall annually and upon request disseminate to appropriate public
14 school staff information about materials and services available through the state
15 adoption center under s. ~~48.551~~ 48.55 which may serve as resources for instruction
16 on adoption for pupils in grades kindergarten through 12.

17 **SECTION 2044.** 115.36 (3) (a) (intro.) of the statutes is amended to read:

18 115.36 **(3)** (a) (intro.) The department shall, from the appropriation under s.
19 20.255 (2) ~~(g)~~ (kd), fund school district projects designed to assist minors
20 experiencing problems resulting from the use of alcohol or other drugs or to prevent
21 alcohol or other drug abuse by minors. The department shall:

22 **SECTION 2045.** 115.361 of the statutes is repealed and recreated to read:

23 **115.361 Alcohol and other drug abuse prevention and intervention**
24 **programs.** (1) A school board may apply to the department for a grant to fund an
25 alcohol and other drug abuse prevention and intervention program. The department

SENATE BILL 45**SECTION 2045**

1 shall pay grants awarded under this section from the appropriation under s. 20.255
2 (2) (dm) and shall promulgate rules to implement and administer this section.

3 (2) The department shall collect and analyze information about the programs
4 funded under this section, evaluate their effectiveness and submit a report of the
5 evaluation to the appropriate standing committees of the legislature under s. 13.172
6 (3) and to the governor by July 1, 2000, and biennially by July 1 thereafter.

7 **SECTION 2046.** 115.3615 of the statutes is amended to read:

8 **115.3615 Head start supplement.** From the appropriation under s. 20.255
9 (2) ~~(eh)~~ (kh), the state superintendent shall distribute funds to agencies determined
10 by the state superintendent to be eligible for designation as head start agencies
11 under 42 USC 9836 to provide comprehensive health, educational, nutritional, social
12 and other services to economically disadvantaged children and their families. The
13 state superintendent shall distribute the funds in a manner consistent with 42 USC
14 9831 to 9852 except that there is no matching fund requirement. The state
15 superintendent shall give preference in funding under this section to an agency that
16 is agencies that are receiving federal funds under 42 USC 9831 to 9852 and to
17 agencies that operate full-time or early head start programs. Funds distributed
18 under this section may be used to match available federal funds under 42 USC 9831
19 to 9852 only if the funds are used to secure additional federal funds for the purposes
20 under this section.

21 **SECTION 2047.** 115.362 of the statutes is repealed.

22 **SECTION 2048.** 115.363 of the statutes is created to read:

23 **115.363 Smoking prevention programs.** (1) The department shall award
24 grants to school districts for smoking prevention programs in grades kindergarten
25 to 8.

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1 **(2)** The department shall award grants under this section from the
2 appropriation under s. 20.255 (2) (c). No grant may exceed \$10,000.

3 **(3)** The department shall promulgate rules to implement and administer this
4 section.

5 **SECTION 2049.** 115.406 of the statutes is created to read:

6 **115.406 Grant program for staff development.** **(1)** From the
7 appropriation under s. 20.255 (2) (fL), the state superintendent shall award grants
8 for staff development to school districts, cooperative educational service agencies
9 and other persons.

10 **(2)** The state superintendent shall promulgate rules to implement and
11 administer this section, including rules concerning eligibility requirements, the
12 amounts of the grants that may be awarded and the uses to which the grants may
13 be put.

14 **SECTION 2050.** 115.42 (1) (a) (intro.) of the statutes is amended to read:

15 115.42 **(1)** (a) (intro.) ~~In the 1999-2000 school year the~~ The department shall
16 award a \$2,000 grant to any person who satisfies all of the following requirements:

17 **SECTION 2051.** 115.42 (1) (a) 1. of the statutes is amended to read:

18 115.42 **(1)** (a) 1. The person is certified by the National Board for Professional
19 Teaching Standards ~~before July 1, 2000.~~

20 **SECTION 2052.** 115.42 (1) (b) of the statutes is created to read:

21 115.42 **(1)** (b) The department shall award the grant under this subsection in
22 the school year in which the person is certified under par. (a) 1.

23 **SECTION 2053.** 115.42 (2) (intro.) of the statutes is amended to read:

24 115.42 **(2)** (intro.) ~~In the 2000-01 school year the~~ The department shall award
25 a \$2,500 grant to each person who received a grant under sub. (1) in each of the 9

SENATE BILL 45**SECTION 2053**

1 school years following the school year in which he or she received the grant if the
2 person satisfies all of the following requirements:

3 **SECTION 2054.** 115.75 (1) (a) of the statutes is amended to read:

4 115.75 (1) (a) Subject to the requirements of par. (b), each alternative school
5 operating an American Indian language and culture education program under this
6 subchapter shall receive state aid, from the appropriation under s. 20.255 (2) ~~(ei)~~
7 (km), in an amount equal to \$185 \$200 for each pupil who has completed the fall
8 semester in the program.

9 **SECTION 2055.** 115.75 (3) of the statutes is amended to read:

10 115.75 (3) If the appropriation under s. 20.255 (2) ~~(ei)~~ (km) in any year is
11 insufficient to pay the full amount of aid under this section, state aid payments shall
12 be prorated among the alternative schools entitled to such aid.

13 **SECTION 2056.** 115.81 (9) (c) of the statutes is amended to read:

14 115.81 (9) (c) Notwithstanding ss. 48.345, 48.363, 48.427 (3), 767.24 (3), 880.12,
15 880.15, 938.183, 938.34 (4), (4d), (4h), (4m) and (4n), 938.345, 938.357 (4) and
16 938.363, a surrogate parent has the authority to act as the child's parent in all
17 matters relating to this subchapter.

18 **SECTION 2057.** 115.88 (1m) (a) of the statutes is amended to read:

19 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
20 superintendent is satisfied that the special education program has been maintained
21 during the preceding school year in accordance with law, the state superintendent
22 shall certify to the department of administration in favor of each county, cooperative
23 educational service agency and school district maintaining such special education
24 program a sum equal to ~~63%~~ of the amount expended by the county, agency and
25 school district during the preceding year for salaries of personnel enumerated in sub.

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1 (1), including the salary portion of any authorized contract for physical or
2 occupational therapy services, ~~except as provided in par. (b),~~ and other expenses
3 approved by the state superintendent. ~~The department of administration shall pay~~
4 ~~such amounts to the county, agency and school district~~ as costs eligible for
5 reimbursement from the appropriation under s. 20.255 (2) (b).

6 **SECTION 2058.** 115.88 (1m) (am) of the statutes is created to read:

7 115.88 **(1m)** (am) If the operator of a charter school established under s. 118.40
8 (2r) operates a special education program and the state superintendent is satisfied
9 that the operator of the charter school is complying with 20 USC 1400 to 1491o as
10 though the operator of the charter school were a local educational agency, as defined
11 in 20 USC 1401 (15), the state superintendent shall certify to the department of
12 administration in favor of the operator of the charter school a sum equal to the
13 amount that the operator of the charter school estimates it will expend during the
14 current school year for salaries of full-time or part-time licensed teachers, licensed
15 coordinators of special education, licensed school social workers, licensed school
16 psychologists, paraprofessionals, licensed consulting teachers to work with any
17 teacher of regular education programs who has a child with a disability in a class and
18 any other personnel, as determined by the state superintendent. Certified costs
19 under this paragraph are eligible for reimbursement from the appropriation under
20 s. 20.255 (2) (b).

21 **SECTION 2059.** 115.88 (1m) (b) of the statutes is repealed.

22 **SECTION 2060.** 115.88 (2) of the statutes is amended to read:

23 115.88 **(2)** TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
24 the state superintendent is satisfied that the transportation of children with
25 disabilities has been maintained during the preceding year in accordance with the

SENATE BILL 45**SECTION 2060**

1 law, the state superintendent shall certify to the department of administration in
2 favor of each county, cooperative educational service agency or school district
3 transporting such pupils ~~63% of an amount equal to the amount expended for such~~
4 transportation as costs eligible for reimbursement from the appropriations under s.
5 20.255 (2) (b) and (br). Pupils for whom aid is paid under this subsection shall not
6 be eligible for aid under s. 121.58 (2) or (4). ~~The department of administration shall~~
7 ~~pay such amounts to the county, agency or school district from the appropriations~~
8 ~~under s. 20.255 (2) (b) and (br).~~ This subsection applies to any child with a disability
9 who requires special assistance in transportation, including any such child
10 attending regular classes who requires special or additional transportation. This
11 subsection does not apply to any child with a disability attending regular or special
12 classes who does not require any special or additional transportation.

13 **SECTION 2061.** 115.88 (2m) of the statutes is created to read:

14 115.88 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school
15 established under s. 118.40 (2r) transports children with disabilities and the state
16 superintendent is satisfied that the operator of the charter school is complying with
17 20 USC 1400 to 1491o as though the operator of the charter school were a local
18 educational agency, as defined in 20 USC 1401 (15), the state superintendent shall
19 certify to the department of administration in favor of the operator of the charter
20 school a sum equal to the amount that the operator of the charter school estimates
21 it will expend during the current school year for transportation under this subsection
22 as costs eligible for reimbursement from the appropriations under s. 20.255 (2) (b)
23 and (br).

24 **SECTION 2062.** 115.88 (9) of the statutes is amended to read:

SENATE BILL 45**SECTION 2062**

1 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
2 service agency, operator of a charter school established under s. 118.40 (2r) and
3 school district entitled to state aid under this section shall receive 15% of its total aid
4 entitlement in each month from November to March and 25% of its total entitlement
5 in June.

6 **SECTION 2063.** 115.882 of the statutes is repealed and recreated to read:

7 **115.882 Payment of state aid.** Costs eligible for reimbursement from the
8 appropriations under s. 20.255 (2) (b) and (br) under ss. 115.88 (1m), (2) and (2m),
9 115.93 and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
10 appropriated for reimbursement for such costs, not to exceed 100%.

11 **SECTION 2064.** 115.93 (1) of the statutes is renumbered 115.93 and amended
12 to read:

13 **115.93 State aid.** ~~Except as provided under sub. (2), if~~ If upon receipt of the
14 reports under s. 115.92 (2) the state superintendent is satisfied that the school age
15 parents program has been maintained during the preceding school year in
16 accordance with the rules under s. 115.92 (3), the state superintendent shall certify
17 to the department of administration in favor of each school district maintaining the
18 program a sum equal to ~~63%~~ of the amount expended by the school district during
19 the preceding school year for salaries of teachers and instructional aides, special
20 transportation and other expenses approved by the state superintendent. ~~The~~
21 ~~department of administration shall pay such amounts to the school district~~ as costs
22 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

23 **SECTION 2065.** 115.93 (2) of the statutes is repealed.

24 **SECTION 2066.** 118.045 of the statutes is created to read:

SENATE BILL 45**SECTION 2066**

1 **118.045 Commencement of school term. (1)** Except as provided in sub. (2),
2 beginning in 2001, no public school may commence the school term until September
3 1.

4 **(2)** Subsection (1) does not prohibit a school board from doing any of the
5 following:

6 (a) Holding athletic contests or practices before September 1.

7 (b) Scheduling in-service days or work days before September 1.

8 (c) Holding school year-round.

9 **SECTION 2067.** 118.125 (4) of the statutes is amended to read:

10 118.125 **(4) TRANSFER OF RECORDS.** Within 5 working days, a school district shall
11 transfer to another school or school district all pupil records relating to a specific
12 pupil if the transferring school district has received written notice from the pupil if
13 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
14 pupil intends to enroll in the other school or school district or written notice from the
15 other school or school district that the pupil has enrolled or from a court that the pupil
16 has been placed in a juvenile secured correctional facility ~~or, as defined in s. 938.02~~
17 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured
18 group home, as defined in s. 938.02 (15p). In this subsection, “school” and “school
19 district” include any juvenile secured correctional facility, secured child caring
20 institution ~~as defined in s. 938.02 (15g)~~, secured group home, adult correctional
21 institution, mental health institute or center for the developmentally disabled, that
22 provides an educational program for its residents instead of or in addition to that
23 which is provided by public and private schools.

24 **SECTION 2068.** 118.153 (3m) of the statutes is renumbered 106.13 (4m) and
25 amended to read:

SENATE BILL 45**SECTION 2068**

1 106.13 **(4m)** (a) ~~After reviewing the recommendations of the governor's council~~
2 ~~on workforce excellence under s. 106.115 (2) (em), the state superintendent The~~
3 ~~board~~ may approve an innovative school-to-work program provided by a nonprofit
4 organization for children at risk, as defined in s. 118.153 (1) (a), in a county having
5 a population of 500,000 or more to assist those children at risk in acquiring
6 employability skills and occupational-specific competencies before leaving high
7 school. If the ~~state superintendent~~ board approves a program under this paragraph,
8 the ~~state superintendent~~ board may award a grant, from the appropriation under s.
9 ~~20.255 (3) (ef) 20.445 (7) (ef)~~, to the nonprofit organization providing the program and
10 the nonprofit organization shall use the funds received under the grant to provide
11 the program.

12 (b) The ~~state superintendent~~ board shall establish requirements for the
13 operation of the grant program under this subsection. ~~Those Notwithstanding sub.~~
14 ~~(5), those requirements need not be promulgated as rules.~~

15 **SECTION 2069.** 118.19 (3m) of the statutes is created to read:

16 118.19 **(3m)** The state superintendent may not renew a license issued under
17 s. 115.28 (7) (a) unless the person seeking renewal has received instruction in
18 educational technology, as determined by the state superintendent by rule.

19 **SECTION 2070.** 118.255 (4) of the statutes is amended to read:

20 118.255 **(4)** If the state superintendent is satisfied that the health treatment
21 services program has been maintained during the preceding school year in
22 accordance with law, the state superintendent shall certify to the department of
23 administration in favor of each school board, cooperative educational service agency
24 and county children with disabilities education board maintaining such health
25 treatment services, an amount equal to ~~63%~~ of the amount expended for items listed

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1 in s. 115.88 (1m) by the school board, cooperative educational service agency and
2 county children with disabilities education board during the preceding year for these
3 health treatment services. ~~The department of administration, upon such~~
4 ~~certification shall distribute the amounts to the appropriate school board,~~
5 ~~cooperative educational service agency and county children with disabilities~~
6 ~~education board as costs eligible for reimbursement from the appropriation under s.~~
7 20.255 (2) (b).

8 **SECTION 2071.** 118.30 (1) (b) of the statutes is amended to read:

9 118.30 (1) (b) ~~If the governor has issued pupil academic standards as an~~
10 ~~executive order under s. 14.23, the~~ The department shall develop a high school
11 graduation examination that is designed to measure whether pupils meet the pupil
12 academic standards issued by the governor as executive order no. 326, dated January
13 13, 1998.

14 **SECTION 2072.** 118.30 (1g) (a) of the statutes is renumbered 118.30 (1g) (a) 1.

15 **SECTION 2073.** 118.30 (1g) (a) 2. of the statutes is created to read:

16 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of
17 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)
18 shall adopt pupil academic standards in mathematics, science, reading and writing,
19 geography and history. The operator of the charter school may adopt the pupil
20 academic standards issued by the governor as executive order no. 326, dated January
21 13, 1998.

22 **SECTION 2074.** 118.30 (1g) (b) of the statutes is amended to read:

23 118.30 (1g) (b) Each school board operating high school grades and each
24 operator of a charter school under s. 118.40 (2r) that operates high school grades shall
25 adopt a high school graduation examination that is designed to measure whether

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1 pupils meet the pupil academic standards adopted by the school board or operator
2 of the charter school under par. (a). If the school board or operator of the charter
3 school has adopted the pupil academic standards issued as ~~an~~ executive order ~~under~~
4 ~~s. 14.23 no. 326, dated January 13, 1998,~~ the school board or operator of the charter
5 school may adopt the high school graduation examination developed by the
6 department under sub. (1) (b). If a school board or operator of a charter school
7 develops and adopts its own high school graduation examination, it shall notify the
8 department annually by October 1 that it intends to administer the examination in
9 the following school year.

10 **SECTION 2075.** 118.30 (1g) (c) of the statutes is amended to read:

11 118.30 (1g) (c) Each school board operating elementary grades and each
12 operator of a charter school under s. 118.40 (2r) that operates elementary grades may
13 develop or adopt its own examination designed to measure pupil attainment of
14 knowledge and concepts in the 4th grade and may develop or adopt its own
15 examination designed to measure pupil attainment of knowledge and concepts in the
16 8th grade. If the school board or operator of the charter school develops or adopts an
17 examination under this paragraph, it shall notify the department.

18 **SECTION 2076.** 118.30 (1m) (intro.) of the statutes is amended to read:

19 118.30 (1m) (intro.) Except as otherwise provided in this section ~~and in s.~~
20 ~~118.40 (2r) (d),~~ annually each school board shall do all of the following:

21 **SECTION 2077.** 118.30 (1m) (b) of the statutes is amended to read:

22 118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled
23 in the school district, including pupils enrolled in charter schools located in the school
24 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~
25 ~~year.~~

SENATE BILL 45**SECTION 2078**

1 **SECTION 2078.** 118.30 (1m) (d) of the statutes is renumbered 118.30 (1m) (d) 1.
2 and amended to read:

3 118.30 **(1m)** (d) 1. If the school board operates high school grades, ~~beginning~~
4 in the 2000-01 school year administer the high school graduation examination
5 adopted by the school board under sub. (1g) (b) to pupils enrolled in the school
6 district, including pupils enrolled in charter schools located in the school district.
7 The school board shall administer the examination at least twice each ~~school year.~~
8 The school board shall determine the high school grades in which the examination
9 will be administered each ~~school year.~~

10 **SECTION 2079.** 118.30 (1m) (d) 2. of the statutes is created to read:

11 118.30 **(1m)** (d) 2. If the school board operates high school grades, beginning
12 in the 2001-02 school year administer the high school graduation examination
13 adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school
14 district, including pupils enrolled in charter schools located in the school district, in
15 the 11th and 12th grades. The school board shall administer the examination at least
16 twice each school year and may administer the examination only to pupils enrolled
17 in the 11th and 12th grades.

18 **SECTION 2080.** 118.30 (1r) of the statutes is created to read:

19 118.30 **(1r)** Annually each operator of a charter school under s. 118.40 (2r) shall
20 do all of the following:

21 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
22 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
23 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the
24 operator of the charter school has not developed or adopted its own 4th grade
25 examination, the operator of the charter school shall provide a pupil with at least 2

SENATE BILL 45**SECTION 2080**

1 opportunities to achieve a score on the examination administered under this
2 subdivision that is sufficient for promotion under sub. (5m) (a) 1.

3 2. Beginning on July 1, 2002, if the operator of the charter school has developed
4 or adopted its own 4th grade examination, administer that examination to all pupils
5 enrolled in the charter school in the 4th grade. The operator of the charter school
6 shall provide a pupil with at least 2 opportunities to pass the examination
7 administered under this subdivision.

8 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
9 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
10 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the
11 operator of the charter school has not developed and adopted its own 8th grade
12 examination, the operator of the charter school shall provide a pupil with at least 2
13 opportunities to achieve a score on the examination administered under this
14 subdivision that is sufficient for promotion under sub. (5m) (b) 1.

15 2. Beginning on July 1, 2002, if the operator of the charter school has developed
16 or adopted its own 8th grade examination, administer that examination to all pupils
17 enrolled in the charter school in the 8th grade. The operator of the charter school
18 shall provide a pupil with at least 2 opportunities to pass the examination
19 administered under this subdivision.

20 (b) Administer the 10th grade examination to all pupils enrolled in the charter
21 school in the 10th grade.

22 (d) 1. If the charter school operates high school grades, in the 2000-01 school
23 year administer the high school graduation examination adopted by the operator of
24 the charter school under sub. (1g) (b) at least twice. The operator of the charter school

SENATE BILL 45**SECTION 2080**

1 shall determine the high school grades in which the examination will be
2 administered.

3 2. If the charter school operates high school grades, beginning in the 2001–02
4 school year, administer the high school graduation examination adopted by the
5 operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and
6 12th grades in the charter school. The operator of the charter school shall administer
7 the examination at least twice each school year and may administer the examination
8 only to pupils enrolled in the 11th and 12th grades.

9 **SECTION 2081.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

10 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
11 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40
12 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

13 2. According to criteria established by the state superintendent by rule, the
14 school board or operator of the charter school under s. 118.40 (2r) may determine not
15 to administer an examination under this section to a limited–English speaking
16 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or
17 her native language or may modify the format and administration of an examination
18 for such pupils.

19 **SECTION 2082.** 118.30 (2) (b) 3. of the statutes is amended to read:

20 118.30 (2) (b) 3. Upon the request of a pupil’s parent or guardian, the school
21 board shall excuse the pupil from taking an examination administered under ~~this~~
22 ~~section~~ sub. (1m) (a), (am) or (b).

23 **SECTION 2083.** 118.30 (5m) of the statutes is created to read:

SENATE BILL 45**SECTION 2083**

1 118.30 **(5m)** (a) Except as provided in par. (c), beginning on July 1, 2002, the
2 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil
3 to the 5th grade unless one of the following applies:

4 1. If the operator of the charter school does not administer its own 4th grade
5 examination under sub. (1r) (a) 2., the pupil's score in each subject area on the
6 examination administered under sub. (1r) (a) 1. is at the basic level or above, as
7 determined by the state superintendent.

8 2. If the operator of the charter school board administers its own 4th grade
9 examination under sub. (1r) (a) 2., the pupil achieves a passing score on that
10 examination, as determined by the operator of the charter school.

11 (b) Except as provided in par. (c), beginning on July 1, 2002, the operator of a
12 charter school under s. 118.40 (2r) may not promote an 8th grade pupil to the 9th
13 grade unless one of the following applies:

14 1. If the operator of the charter school board does not administer its own 8th
15 grade examination under sub. (1r) (am) 2., the pupil's score in each subject area on
16 the examination administered under sub. (1r) (am) 1. is at the basic level or above,
17 as determined by the state superintendent.

18 2. If the operator of the charter school administers its own 8th grade
19 examination under sub. (1r) (am) 2., the pupil achieves a passing score on that
20 examination, as determined by the operator of the charter school.

21 (c) The operator of a charter school under s. 118.40 (2r) shall develop
22 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th
23 grade examination that was required for promotion as a result of sub. (2) (b). The
24 operator of the charter school may promote a pupil who did not take the examination

SENATE BILL 45**SECTION 2083**

1 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the
2 alternative criteria.

3 **SECTION 2084.** 118.30 (6) of the statutes is amended to read:

4 118.30 (6) A school board and an operator of a charter school under s. 118.40
5 (2r) is not required to administer the 4th and 8th grade examinations adopted or
6 approved by the state superintendent under sub. (1) (a) if the school board or the
7 operator of the charter school administers its own 4th and 8th grade examinations,
8 the school board or operator of the charter school provides the state superintendent
9 with statistical correlations of those examinations with the examinations adopted or
10 approved by the state superintendent under sub. (1) (a), and the federal department
11 of education approves.

12 **SECTION 2085.** 118.33 (1) (cm) of the statutes is amended to read:

13 118.33 (1) (cm) Except as provided in par. (e), beginning on September 1, 2002,
14 neither a school board nor an operator of a charter school under s. 118.40 (2r) may
15 not grant a high school diploma to any pupil unless the pupil has passed the high
16 school graduation examination administered under s. 118.30 (1m) (d) or (1r) (d). A
17 school board and an operator of a charter school under s. 118.40 (2r) shall provide a
18 pupil with at least 4 opportunities to take the examination in the high school grades.

19 **SECTION 2086.** 118.33 (1) (e) of the statutes is amended to read:

20 118.33 (1) (e) Each school board and operator of a charter school under s. 118.40
21 (2r) shall develop alternative criteria for evaluating a pupil who has been excused
22 from the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. A
23 school board may grant a high school diploma to a pupil who has been excused from
24 the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. if the pupil
25 satisfies all of the other requirements under this subsection and satisfies the ~~other~~

SENATE BILL 45**SECTION 2086**

1 alternative criteria. The operator of a charter school under s. 118.40 (2r) may grant
2 a high school diploma to a pupil who has been excused from the high school
3 graduation examination under s. 118.30 (2) (b) 1. or 2. if the pupil satisfies the
4 alternative criteria.

5 **SECTION 2087.** 118.38 (1) (a) 7. of the statutes is amended to read:

6 118.38 (1) (a) 7. Licensure or certification under s. 115.28 (7) ~~or (7m) other than~~
7 ~~the licensure of the school district administrator or business manager.~~

8 **SECTION 2088.** 118.40 (2) (a) of the statutes is amended to read:

9 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the
10 school board shall hold a public hearing on the petition. At the hearing, the school
11 board shall consider the level of employe and parental support for the establishment
12 of the charter school described in the petition and the fiscal impact of the
13 establishment of the charter school on the school district. ~~After the hearing, the~~
14 ~~school board may grant the petition.~~

15 **SECTION 2089.** 118.40 (2) (c) of the statutes is amended to read:

16 118.40 (2) (c) The school board ~~of the school district operating under ch. 119~~
17 shall either grant or deny the petition within 30 days after the public hearing. If the
18 school board ~~of the school district operating under ch. 119~~ denies a petition, the
19 person seeking to establish the charter school may, within 30 days after the denial,
20 appeal the denial to the department. The department shall issue a decision within
21 30 days after receiving the appeal. The department's decision is final and not subject
22 to judicial review under ch. 227.

23 **SECTION 2090.** 118.40 (2r) (d) 2. of the statutes is amended to read:

24 118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 (1m) (1r) and
25 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

SENATE BILL 45**SECTION 2091**

1 **SECTION 2091.** 118.40 (2r) (f) of the statutes is repealed.

2 **SECTION 2092.** 118.40 (2r) (g) of the statutes is repealed.

3 **SECTION 2093.** 118.40 (7) (am) 1. of the statutes is amended to read:

4 118.40 (7) (am) 1. Except as provided in ~~subds. subd. 2. and 3.~~, if a charter
5 school is established under sub. (2m) and located in the school district operating
6 under ch. 119, the school board of that school district shall determine whether or not
7 the charter school is an instrumentality of the school district. If the school board
8 determines that a charter school is an instrumentality of the school district, the
9 school board shall employ all personnel for the charter school. If the school board
10 determines that a charter school is not an instrumentality of the school district, the
11 school board may not employ any personnel for the charter school.

12 **SECTION 2094.** 118.40 (7) (am) 3. of the statutes is repealed.

13 **SECTION 2095.** 118.42 of the statutes is repealed.

14 **SECTION 2096.** 118.43 (2) (a) of the statutes is amended to read:

15 118.43 (2) (a) The school board of any school district in which a school in the
16 previous school year had an enrollment that was at least 50% low-income is eligible
17 to participate in the program under this section, except that a school board is eligible
18 to participate in the program under this section in the 2000-01 school year if in the
19 1998-99 school year a school in the school district had an enrollment that was at least
20 50% low-income.

21 **SECTION 2097.** 118.43 (2) (b) (intro.) of the statutes is amended to read:

22 118.43 (2) (b) (intro.) In the 1996-97 ~~and 1998-99~~ school years year, the school
23 board of an eligible school district may enter into a 5-year achievement guarantee
24 contract with the department on behalf of one school in the school district if all of the
25 following apply:

SENATE BILL 45**SECTION 2098**

1 **SECTION 2098.** 118.43 (2) (bg) of the statutes is created to read:

2 118.43 (2) (bg) In the 1998-99 school year, the school board of an eligible school
3 district may enter into a 5-year achievement guarantee contract with the
4 department on behalf of one school in the school district if all of the following apply:

5 1. In the previous school year, the school had an enrollment that was at least
6 30% low-income.

7 2. The school board is not receiving a grant under the preschool to grade 5
8 program on behalf of the school under s. 115.45.

9 **SECTION 2099.** 118.43 (2) (br) of the statutes is created to read:

10 118.43 (2) (br) In the 2000-01 school year, the school board of an eligible school
11 district other than the school district operating under ch. 119 may enter into a 5-year
12 achievement guarantee contract with the department on behalf of one or more
13 schools in the school district if all of the following apply:

14 1. In the previous school year, each school had an enrollment that was at least
15 62% low-income.

16 2. The school board is not receiving a grant under the preschool to grade 5
17 program on behalf of any of the schools under s. 115.45.

18 3. The school board, if eligible to participate in the program under this section
19 in the 1996-97 and 1998-99 school years, had participated in the program during
20 either school year.

21 4. None of the schools is a beneficiary of a contract under this section.

22 5. None of the schools is a school to which schools that are beneficiaries of
23 contracts under this section are compared for the evaluation under sub. (7).

24 **SECTION 2100.** 118.43 (2) (bt) of the statutes is created to read:

SENATE BILL 45**SECTION 2100**

1 118.43 (2) (bt) In the 2000–01 school year, the school board of the school district
2 operating under ch. 119 may enter into a 5–year achievement guarantee contract
3 with the department on behalf of one or more schools in the school district if all of the
4 following apply:

5 1. In the previous school year, each school had an enrollment that was at least
6 80% low–income.

7 2. The school board is not receiving a grant under the preschool to grade 5
8 program under s. 115.45 on behalf of any of the schools.

9 3. None of the schools is a beneficiary of a contract under this section.

10 4. None of the schools is a school to which schools that are beneficiaries of
11 contracts under this section are compared for the evaluation under sub. (7).

12 **SECTION 2101.** 118.43 (2) (c) of the statutes is amended to read:

13 118.43 (2) (c) Notwithstanding ~~par. (b)~~ par. (b) and (bg), the school board of the
14 school district operating under ch. 119 may enter into an achievement guarantee
15 contract on behalf of up to 10 schools under par. (b) and up to 10 schools under par.
16 (bg).

17 **SECTION 2102.** 118.43 (2) (e) 1. of the statutes is amended to read:

18 118.43 (2) (e) 1. If the school board of an eligible school district does not enter
19 into an achievement guarantee contract with the department, a school board that
20 has entered into such a contract, other than the school board of the school district
21 operating under ch. 119, may apply to the department to enter into such a contract
22 on behalf of one ~~additional school~~ or more schools that ~~meets~~ meet the requirements
23 under par. (b), (bg) or (br).

24 **SECTION 2103.** 118.43 (2) (f) of the statutes is amended to read:

SENATE BILL 45**SECTION 2103**

1 118.43 (2) (f) The department may not enter into an achievement guarantee
2 contract with a school board on behalf of a school after June 30, ~~1999~~ 2001.

3 **SECTION 2104.** 118.43 (3) (intro.) of the statutes is amended to read:

4 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in ~~par.~~ pars.
5 (am) and (ar), an achievement guarantee contract shall require the school board to
6 do all of the following in each participating school:

7 **SECTION 2105.** 118.43 (3) (ar) of the statutes is created to read:

8 118.43 (3) (ar) *Class size; additional contracts.* For contracts that begin in the
9 2000-01 school year, reduce each class size to 15 in the following manner:

- 10 1. In the 2000-01 school year, in at least grades kindergarten and one.
11 2. In the 2001-02 school year, in at least grades kindergarten to 2.
12 3. In the 2002-03 to 2004-05 school years, in at least grades kindergarten to
13 3.

14 **SECTION 2106.** 118.43 (5) (b) of the statutes is amended to read:

15 118.43 (5) (b) ~~At the end of the 1997-98, 1998-99, 1999-2000, 2000-01 and~~
16 ~~2001-02 school years~~ Annually by June 30 through the 2003-04 school year, a
17 committee consisting of the state superintendent, the chairpersons of the education
18 committees in the senate and assembly and the individual chiefly responsible for the
19 evaluation under sub. (7) shall review the progress made by each school for which
20 an achievement guarantee contract has been entered into. The committee may
21 recommend to the department that the department terminate a contract if the
22 committee determines that the school board has violated the contract or if the school
23 has made insufficient progress toward achieving its performance objectives under
24 sub. (4) (c). The department may terminate the contract if it agrees with the
25 committee's recommendation.

SENATE BILL 45**SECTION 2107**

1 **SECTION 2107.** 118.43 (6) (b) 6., 7. and 8. of the statutes are created to read:

2 118.43 (6) (b) 6. In the 2000–01 school year, divide the amount appropriated
3 by the sum of the number of low–income pupils enrolled in grades kindergarten to
4 3 in each school in this state covered by contracts under sub. (3) (a) and (am) and the
5 number of low–income pupils enrolled in grades kindergarten and one in each school
6 in this state covered by contracts under sub. (3) (ar) and multiply the quotient by the
7 number of pupils enrolled in those grades in each school in the school district covered
8 by contracts under this section.

9 7. In the 2001–02 school year, divide the amount appropriated by the sum of
10 the number of low–income pupils enrolled in grades kindergarten to 3 in each school
11 in this state covered by contracts under sub. (3) (am) and the number of low–income
12 pupils enrolled in grades kindergarten to 2 in each school in this state covered by
13 contracts under sub. (3) (ar) and multiply the quotient by the number of pupils
14 enrolled in those grades in each school in the school district covered by contracts
15 under this section.

16 8. In the 2002–03 to 2004–05 school years, divide the amount appropriated by
17 the number of low–income pupils enrolled in grades kindergarten to 3 in each school
18 in this state covered by contracts under sub. (3) (am) and (ar) and multiply the
19 quotient by the number of pupils enrolled in those grades in each school in the school
20 district covered by contracts under this section.

21 **SECTION 2108.** 119.04 (1) of the statutes is amended to read:

22 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
23 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
24 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
25 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,

SENATE BILL 45**SECTION 2108**

1 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30
2 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2)
3 (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st
4 class city school district and board.

5 **SECTION 2109.** 119.18 (23) of the statutes is renumbered 118.36 and amended
6 to read:

7 **118.36 School closings.** The If a school board may close closes any school that
8 it determines is low in performance by adopting, it shall adopt a resolution to that
9 effect. If the superintendent of schools school district administrator recommends to
10 the school board that a school be closed for low performance, he or she shall state the
11 reasons for the recommendation in writing. If the school board closes a the school,
12 the superintendent of schools school district administrator may reassign the school's
13 staff members without regard to seniority in service and may reassign other
14 employes of the school board to the school without regard to seniority in service. If
15 the school board reopens the school, the superintendent of schools school district
16 administrator may reassign staff members to the school without regard to seniority
17 in service.

18 **SECTION 2110.** 119.23 (5) (intro.) and (c) of the statutes are consolidated,
19 renumbered 119.23 (5) and amended to read:

20 119.23 (5) The state superintendent shall: ~~(e) Ensure~~ ensure that pupils and
21 parents and guardians of pupils who reside in the city are informed annually of the
22 private schools participating in the program under this section.

23 **SECTION 2111.** 119.23 (5) (a) of the statutes is repealed.

24 **SECTION 2112.** 119.23 (5) (b) of the statutes is repealed.

SENATE BILL 45**SECTION 2113**

1 **SECTION 2113.** 119.235 of the statutes is renumbered 118.37, and 118.37 (1),
2 (2) (intro.), (b), (d), (e) 2. and (f), and (3) to (5), as renumbered, are amended to read:

3 118.37 (1) The A school board may contract with any nonsectarian private
4 school located in the city school district or any nonsectarian private agency located
5 in the city school district to provide educational programs to pupils enrolled in the
6 school district ~~operating under this chapter~~. The school board shall ensure that each
7 private school or agency under contract with the board complies with ss. 118.125 and
8 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42
9 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that
10 apply to public schools.

11 (2) (intro.) Each private school or agency under contract with the school board
12 shall do all of the following:

13 (b) Participate in the school board's parent information program.

14 (d) Meet insurance and financial requirements established by the school board.

15 (e) 2. A pupil selection process that gives preference to the siblings of enrolled
16 pupils and that gives no other preferences except those approved by the school board.

17 (f) Report to the school board any information requested by the school board.

18 (3) Any pupil enrolled in the school district ~~operating under this chapter~~ may
19 attend, at no charge, any private school or agency with which the school board has
20 contracted under sub. (1) if space is available in the private school or agency.

21 (4) The school board shall establish appropriate, quantifiable performance
22 standards for pupils at each private school or agency with which it contracts in such
23 areas as attendance, reading achievement, pupil retention, pupil promotion, parent
24 surveys, credits earned and grade point average.

SENATE BILL 45**SECTION 2113**

1 (5) Annually, the school board shall monitor the performance of the program
2 under this section. The school board may use the results of standardized basic
3 educational skills tests to do so. The school board shall include a summary of its
4 findings in its annual report to the state superintendent ~~under s. 119.44.~~

5 **SECTION 2114.** 119.48 (4) (b) of the statutes is amended to read:

6 119.48 (4) (b) The communication shall state the purposes for which the funds
7 from the increase in the levy rate will be used and shall request the common council
8 to submit to the voters of the city the question of exceeding the levy rate specified in
9 s. 65.07 (1) (f) ~~at the September election or a special election.~~

10 **SECTION 2115.** 119.48 (4) (c) of the statutes is amended to read:

11 119.48 (4) (c) Upon receipt of the communication, the common council shall
12 cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be
13 submitted to the voters of the city ~~at the September election or at a special election~~
14 next regularly scheduled spring election or general election that occurs not sooner
15 than 45 days after receipt of the communication or at a special election held on the
16 Tuesday after the first Monday in November in an odd-numbered year if that date
17 occurs not sooner than 45 days after receipt of the communication. The question of
18 exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted upon a
19 separate ballot or in some other manner so that the vote upon exceeding the levy rate
20 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
21 the voters. If a majority of the electors voting on the question favors exceeding the
22 levy rate specified under s. 65.07 (1) (f), the common council shall approve the
23 increase in the levy rate and shall levy and collect a tax equal to the amount of money
24 approved by the electors.

25 **SECTION 2116.** 119.49 (1) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 2116**

1 119.49 (1) (b) The communication shall state the amount of funds needed under
2 par. (a) and the purposes for which the funds will be used and shall request the
3 common council to submit to the voters of the city ~~at the next election held in the city~~
4 the question of issuing school bonds in the amount and for the purposes stated in the
5 communication.

6 **SECTION 2117.** 119.49 (2) of the statutes is amended to read:

7 119.49 (2) Upon receipt of the communication, the common council shall cause
8 the question of issuing such school bonds in the stated amount and for the stated
9 school purposes to be submitted to the voters of the city ~~at the next election held in~~
10 ~~the city~~ regularly scheduled spring election or general election that occurs not sooner
11 than 45 days after receipt of the communication or at a special election held on the
12 Tuesday after the first Monday in November in an odd-numbered year if that date
13 occurs not sooner than 45 days after receipt of the communication. The question of
14 issuing such school bonds shall be submitted upon a separate ballot or in some other
15 manner so that the vote upon issuing such school bonds is taken separately from any
16 other question submitted to the voters. If a majority of the electors voting on the
17 school bond question favors issuing such school bonds, the common council shall
18 cause the school bonds to be issued immediately or within the period permitted by
19 law, in the amount requested by the board and in the manner other bonds are issued.

20 **SECTION 2118.** 119.71 (2) of the statutes is amended to read:

21 119.71 (2) From the appropriation under s. 20.255 (2) ~~(ee)~~ (kp), the state
22 superintendent shall pay to the board the amount specified in the spending plan
23 under s. 119.80 in each school year.

24 **SECTION 2119.** 119.72 (5) of the statutes is amended to read:

SENATE BILL 45**SECTION 2119**

1 119.72 (5) From the appropriation under s. 20.255 (2) (~~ee~~) (kp), the state
2 superintendent shall pay to the board the amount specified in the spending plan
3 under s. 119.80 for the program under this section in each school year.

4 **SECTION 2120.** 119.75 (2) (a) of the statutes is amended to read:

5 119.75 (2) (a) From the appropriation under s. 20.255 (2) (~~ee~~) (kp), the state
6 superintendent shall pay to the board the amount specified in the spending plan
7 under s. 119.80 in each school year.

8 **SECTION 2121.** 119.80 (1) of the statutes is amended to read:

9 119.80 (1) The board shall submit to the governor a proposal for the
10 expenditure of the funds in the ~~appropriation~~ appropriations under s. 20.255 (2) (ec)
11 and (kp) in each school year.

12 **SECTION 2122.** 119.80 (1m) of the statutes is amended to read:

13 119.80 (1m) Annually by June 1, the governor shall submit to the joint
14 committee on finance and to the appropriate standing committees of the legislature
15 under s. 13.172 (3) a proposal for the expenditure of the funds in the ~~appropriation~~
16 appropriations under s. 20.255 (2) (ec) and (kp) in the following school year. By
17 June 15, each such standing committee may submit written recommendations on
18 the proposal to the joint committee on finance.

19 **SECTION 2123.** 119.80 (4) of the statutes is created to read:

20 119.80 (4) The department may not distribute any funds in the appropriations
21 under s. 20.255 (2) (ec) or (kp) in any fiscal year until the spending plan for that fiscal
22 year has been approved.

23 **SECTION 2124.** 119.82 (3) of the statutes is amended to read:

SENATE BILL 45**SECTION 2124**

1 119.82 (3) From the appropriation under s. 20.255 (2) (~~ee~~) (kp), the state
2 superintendent shall pay to the board the amount specified in the spending plan
3 under s. 119.80 in each school year for the programs under sub. (1).

4 **SECTION 2125.** 120.13 (26r) of the statutes is amended to read:

5 120.13 (26r) CONTRACTS FOR ~~OUTPATIENT~~ MENTAL HEALTH AND DEVELOPMENTAL
6 DISABILITIES SERVICES. Contract with the department of health and family services for
7 ~~outpatient~~ services under s. ~~51.07 (4)~~ 46.043.

8 **SECTION 2126.** 120.13 (27m) of the statutes is amended to read:

9 120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to
10 and from school for indigent pupils who reside in the school district and who are not
11 required to be transported under s. 121.54. In this subsection, “indigent pupils”
12 means pupils who are eligible for free lunches or reduced-price lunches under 42
13 USC 1758 ~~or aid to 18-year-old students under s. 49.20 or for whom aid to families~~
14 ~~with dependent children is being received under s. 49.19~~ or who are members of a
15 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
16 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
17 thereof, as determined by the school board. If a school board determines to provide
18 transportation under this subsection, there shall be reasonable uniformity in the
19 transportation furnished such pupils whether they attend public or private schools.
20 The cost of transporting pupils under this subsection may not be included in the
21 school district’s shared cost under s. 121.07 (6) (a).

22 **SECTION 2127.** 121.004 (7) (a) (intro.) of the statutes is amended to read:

23 121.004 (7) (a) (intro.) “Pupils enrolled” is the total number of pupils, as
24 expressed by official enrollments, in all schools of the school district, except as
25 provided in pars. (b) to ~~(e)~~ (f). If such total contains a fraction, it shall be expressed

SENATE BILL 45**SECTION 2127**

1 as the nearest whole number. The same method shall be used in computing the
2 number of pupils enrolled for resident pupils, nonresident pupils or both.

3 **SECTION 2128.** 121.004 (7) (f) of the statutes is created to read:

4 121.004 (7) (f) A pupil who transfers from one school district to another under
5 s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as
6 0.5 pupil or, if appropriate, as a number equal to the result obtained by multiplying
7 0.5 by the appropriate fraction under under par. (c), (cm) or (d).

8 **SECTION 2129.** 121.02 (1) (r) of the statutes is amended to read:

9 121.02 (1) (r) Annually ~~Annually~~ Except as provided in s. 118.40 (2r) (d) 2., annually
10 administer a standardized reading test developed by the department to all pupils
11 enrolled in the school district in grade 3, including pupils enrolled in charter schools
12 located in the school district.

13 **SECTION 2130.** 121.02 (1) (s) of the statutes is amended to read:

14 121.02 (1) (s) Administer the examinations as required under s. 118.30 ~~(1m)~~
15 ~~(a), (am) and (b) and, beginning in the 1999-2000 school year, administer the high~~
16 ~~school graduation examination required under s. 118.30 (1m) (d).~~

17 **SECTION 2131.** 121.05 (1) (a) 4. of the statutes is repealed.

18 **SECTION 2132.** 121.05 (1) (a) 9. of the statutes is amended to read:

19 121.05 (1) (a) 9. Pupils enrolled in a charter school, other than a charter school
20 under s. 118.40 (2r).

21 **SECTION 2133.** 121.05 (1) (a) 10. of the statutes is amended to read:

22 121.05 (1) (a) 10. Pupils attending a private school or agency under contract
23 with the board under s. ~~119.235~~ 118.37.

24 **SECTION 2134.** 121.05 (1) (a) 11. of the statutes is amended to read:

SENATE BILL 45**SECTION 2134**

1 121.05 (1) (a) 11. Pupils residing in the school district but attending a public
2 school in another school district under s. 118.51 or 121.85 (3) (a).

3 **SECTION 2135.** 121.07 (1) (a) of the statutes is amended to read:

4 121.07 (1) (a) The membership of the school district in the previous school year
5 and the shared cost for the previous school year shall be used in computing general
6 aid, ~~except that the membership used to compute state aid to the school district~~
7 ~~operating under ch. 119 shall include those pupils who are attending a private school~~
8 ~~under s. 119.23 in the current school year and were enrolled in grades kindergarten~~
9 ~~to 3 in a private school located in the city of Milwaukee other than under s. 119.23~~
10 ~~in the previous school year.~~ If a school district has a state trust fund loan as a result
11 of s. 24.61 (3) (c) 2., the school district's debt service costs shall be based upon current
12 school year costs for the term of the loan and for one additional school year.

13 **SECTION 2136.** 121.07 (7) (b) of the statutes is amended to read:

14 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
15 rounded to the next lower dollar, that, after subtraction of payments under ss.
16 121.09, ~~121.105,~~ and 121.85 (6) (b) 2. and 3. and (c) ~~and 121.86,~~ fully distributes an
17 amount equal to the amount remaining in the appropriation under s. 20.255 (2) (ac)
18 plus \$75,000,000 in the 1997–98 school year and \$100,000,000 in the 1998–99 school
19 year for payments under ss. 121.08 ~~and, 121.105,~~ 121.85 (6) (a) and (g) and 121.86.

20 **SECTION 2137.** 121.105 (2) (a) 1. of the statutes is amended to read:

21 121.105 (2) (a) 1. If a school district would receive less than 85% of the state
22 aid for the current school year in state aid in the current year than an amount equal
23 to 85% of the state aid that it received as state aid in the previous school year, its state
24 aid for the current school year shall be increased to an amount equal to 85% of the
25 state aid received in the previous school year.

SENATE BILL 45**SECTION 2138**

1 **SECTION 2138.** 121.105 (2) (a) 3. of the statutes is amended to read:

2 121.105 (2) (a) 3. A school district eligible for aid under subd. 1. and 2. shall
3 receive the greater of the aid amounts under subd. 1. or 2. The additional aid shall
4 be paid from the appropriations under s. 20.255 (2) (ac) and (q).

5 **SECTION 2139.** 121.15 (3m) (a) 1. of the statutes is amended to read:

6 121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids,
7 other than the amounts appropriated under s. 20.255 (2) (bi) and (cv), and property
8 taxes levied for school districts and aid paid to school districts under s. 79.095 (4),
9 less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school
10 board's increasing the services that it provides by adding responsibility for providing
11 a service transferred to it from another school board and less the amount of any
12 revenue limit increase under s. 121.91 (4) (a) 3.

13 **SECTION 2140.** 121.15 (3m) (a) 2. of the statutes is amended to read:

14 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
15 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ss. 20.275 (1) (d),
16 (es), (et), (f), ~~(fs)~~ and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated
17 under s. 20.275 (1) (s) that are used to provide grants or educational
18 telecommunications access to school districts under s. ~~196.218 (4r)~~ 44.73.

19 **SECTION 2141.** 121.15 (4) of the statutes is renumbered 121.15 (4) (b) and
20 amended to read:

21 121.15 (4) (b) On July 1 and October 15, using the most accurate data available,
22 the state superintendent shall provide the department of revenue and each school
23 district with an estimate of the total amount of state aid, ~~as defined in s. 121.90 (2),~~
24 the school district will receive in the current school year. On October 15, using the
25 most accurate data available, the state superintendent shall calculate the total

SENATE BILL 45**SECTION 2141**

1 amount of state aid, ~~as defined in s. 121.90 (2)~~, that each school district will receive
2 in the current school year. Any adjustments to that calculation shall be made by
3 increasing or decreasing the payment made in September of the following school
4 year.

5 **SECTION 2142.** 121.15 (4) (a) of the statutes is created to read:

6 121.15 (4) (a) In this subsection, “state aid” has the meaning given in s. 121.90
7 (2) except that it excludes aid paid to school districts under s. 79.095 (4).

8 **SECTION 2143.** 121.85 (6) (a) 2. of the statutes is amended to read:

9 121.85 (6) (a) 2. Multiply the number of transfer pupils, as counted for
10 membership purposes under s. 121.004 (7), by 0.25.

11 **SECTION 2144.** 121.85 (6) (b) 1. of the statutes is repealed.

12 **SECTION 2145.** 121.85 (6) (f) of the statutes is repealed.

13 **SECTION 2146.** 121.85 (6) (h) of the statutes is created to read:

14 121.85 (6) (h) *Neighborhood schools.* The school district operating under ch.
15 119 shall use at least 10% of the amount received under par. (a) in each school year
16 to build or lease neighborhood schools.

17 **SECTION 2147.** 121.90 (1) (e) of the statutes is created to read:

18 121.90 (1) (e) In determining a school district’s revenue limit for the 1999–2000
19 school year or for any school year thereafter, the department shall calculate the
20 number of pupils enrolled in each school year prior to the 1999–2000 school year as
21 the number was calculated in that school year under s. 121.85 (6) (b) 1. and (f), 1997
22 stats.

23 **SECTION 2148.** 121.90 (2) (intro.) of the statutes is amended to read:

24 121.90 (2) (intro.) “State aid” means aid under ss. 121.08, 121.09 and 121.105
25 and subch. VI, as calculated for the current school year on October 15 under s. 121.15

SENATE BILL 45**SECTION 2148**

1 (4) and including adjustments made under s. 121.15 (4), except that “state aid”
2 excludes all of the following:

3 **SECTION 2149.** 121.905 (3) (a) 1. of the statutes is amended to read:

4 121.905 (3) (a) 1. Except as provided under subd. 2., calculate the sum of the
5 amount of state aid received ~~under ss. 121.08 and 121.105 and subch. VI~~ in the
6 previous school year and property taxes levied for the previous school year, excluding
7 funds described under s. 121.91 (4) (c), and the costs of the county children with
8 disabilities education board program, as defined in s. 121.135 (2) (a) 2., for pupils who
9 were school district residents and solely enrolled in a special education program
10 provided by a county children with disabilities education board in the previous school
11 year.

12 **SECTION 2150.** 121.905 (3) (c) of the statutes is repealed and recreated to read:

13 121.905 (3) (c) For the limit for the 1999-2000 school year or for any school year
14 thereafter, add \$208.88 to the result under par. (b).

15 **SECTION 2151.** 121.905 (4) of the statutes is renumbered 121.905 (4) (a) and
16 amended to read:

17 121.905 (4) (a) A school district that is exempt from the revenue limits under
18 sub. (2) may not increase its base revenue per member to an amount that is greater
19 than its revenue ceiling ~~unless that~~.

20 (b) 1. A school district follows may increase its revenue ceiling by following the
21 procedures prescribed in s. 121.91 (3).

22 **SECTION 2152.** 121.905 (4) (b) 2. of the statutes is created to read:

23 121.905 (4) (b) 2. The department shall, under s. 121.91 (4), adjust the revenue
24 ceiling otherwise applicable to a school district under this section as if the revenue
25 ceiling constituted a revenue limit under s. 121.91 (2m).

SENATE BILL 45**SECTION 2153**

1 **SECTION 2153.** 121.91 (2m) (d) (intro.) of the statutes is amended to read:

2 121.91 **(2m)** (d) (intro.) Except as provided in subs. (3) and (4), no school district
3 may increase its revenues for the 1998–99 school year ~~or for any school year~~
4 ~~thereafter~~ to an amount that exceeds the amount calculated as follows:

5 **SECTION 2154.** 121.91 (2m) (e) of the statutes is renumbered 121.91 (2m) (r),
6 and 121.91 (2m) (r) 1. (intro.) and b. and 2., as renumbered, are amended to read:

7 121.91 **(2m)** (r) 1. (intro.) Notwithstanding pars. (c) ~~and~~, (d) and (e), if a school
8 district is created under s. 117.105, its revenue limit under this section for the school
9 year beginning with the effective date of the reorganization shall be determined as
10 follows except as provided under subs. (3) and (4):

11 b. Add \$~~206~~ \$208.88 to the result under subd. 1. a.

12 2. If a school district is created under s. 117.105, the following adjustments to
13 the calculations under pars. (c) ~~and~~, (d) and (e) apply for the 2 school years beginning
14 on the July 1 following the effective date of the reorganization:

15 a. For the school year beginning on the first July 1 following the effective date
16 of the reorganization the number of pupils in the previous school year shall be used
17 under pars. (c) 1. ~~and~~, (d) 1. and (e) 1. instead of the average of the number of pupils
18 in the 3 previous school years, and for the school year beginning on the 2nd July 1
19 following the effective date of the reorganization the average of the number of pupils
20 in the 2 previous school years shall be used under pars. (c) 1. ~~and~~, (d) 1. and (e) 1.
21 instead of the average of the number of pupils in the 3 previous school years.

22 b. For the school year beginning on the first July 1 following the effective date
23 of the reorganization the average of the number of pupils in the current and the
24 previous school years shall be used under pars. (c) 4. ~~and~~, (d) 4. and (e) 3. instead of
25 the average of the number of pupils in the current and the 2 preceding school years.

SENATE BILL 45**SECTION 2155**

1 **SECTION 2155.** 121.91 (2m) (e) of the statutes is created to read:

2 121.91 **(2m)** (e) Except as provided in subs. (3) and (4), no school district may
3 increase its revenues for the 1999-2000 school year or for any school year thereafter
4 to an amount that exceeds the amount calculated as follows:

5 1. Divide the sum of the amount of state aid received in the previous school year
6 and property taxes levied for the previous school year, excluding funds described
7 under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous
8 school years.

9 2. Add \$208.88 to the result under subd. 1.

10 3. Multiply the result under subd. 2. by the average of the number of pupils
11 enrolled in the current and the 2 preceding school years.

12 **SECTION 2156.** 121.91 (3) (a) of the statutes is amended to read:

13 121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)
14 otherwise applicable to the school district in any school year, it shall promptly adopt
15 a resolution supporting inclusion in the final school district budget of an amount
16 equal to the proposed excess revenue. The resolution shall specify whether the
17 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
18 proposed excess revenue is for both recurring and nonrecurring purposes, the
19 amount of the proposed excess revenue for each purpose. Within 10 days after
20 adopting the resolution, the school board shall notify the department of the
21 scheduled date of the referendum and submit a copy of the resolution to the
22 department. The school board shall call a ~~special~~ referendum for the purpose of
23 submitting the resolution to the electors of the school district for approval or
24 rejection. ~~In lieu of a special referendum, the school board may specify that the~~
25 ~~referendum be held at the next succeeding spring primary or election or September~~

SENATE BILL 45**SECTION 2156**

1 ~~primary or~~ general election, if such election is to be held not earlier than ~~35~~ 45 days
2 after the adoption of the resolution of the school board, or at a special election held
3 on the Tuesday after the first Monday in November in an odd-numbered year if that
4 date occurs not earlier than 45 days after the adoption of the resolution of the school
5 board. The school district clerk shall certify the results of the referendum to the
6 department within 10 days after the referendum is held.

7 **SECTION 2157.** 121.91 (3) (d) of the statutes is renumbered 121.91 (7) and
8 amended to read:

9 121.91 (7) If Except as provided in sub. (4) (f) 2., if an excess revenue is
10 approved under ~~this subsection~~ sub. (3) for a recurring purpose or allowed under sub.
11 (4), the excess revenue shall be included in the base for determining the limit for the
12 next school year for purposes of this section. If an excess revenue is approved under
13 ~~this subsection~~ sub. (3) for a nonrecurring purpose, the excess revenue shall not be
14 included in the base for determining the limit for the next school year for purposes
15 of this section.

16 **SECTION 2158.** 121.91 (4) (f) of the statutes is amended to read:

17 121.91 (4) (f) 1. For the 1998-99 school year or any school year thereafter, if the
18 average of the number of pupils enrolled in the current and the 2 preceding school
19 years, as calculated under sub. (2m) ~~(d)~~ 4. (e) 3., is less than the average of the
20 number of pupils enrolled in the 3 previous school years, as calculated under sub.
21 (2m) ~~(d)~~ (e) 1., the limit otherwise applicable under sub. (2m) ~~(d)~~ (e) is increased by
22 the additional amount that would have been calculated had the decline in average
23 enrollment been 25% of what it was.

SENATE BILL 45**SECTION 2158**

1 2. Any additional revenue received by a school district as a result of subd. 1.
2 shall not be included in the base for determining the school district's limit under sub.
3 (2m) ~~(d)~~ (e) for the following school year.

4 **SECTION 2159.** 121.92 (title) of the statutes is amended to read:

5 **121.92** (title) **Penalty for exceeding revenue ceiling or limit.**

6 **SECTION 2160.** 121.92 (1) of the statutes is amended to read:

7 121.92 **(1)** In this section, "excess revenue" means the amount by which a school
8 district's revenue exceeds ~~the maximum allowed~~ its ceiling under s. 121.905 or its
9 limit under s. 121.91.

10 **SECTION 2161.** 121.92 (2) (a) of the statutes is amended to read:

11 121.92 **(2)** (a) Deduct from the state aid payment to a school district under s.
12 121.08 in the school year in which the school district exceeded the revenue ceiling or
13 limit an amount equal to the excess revenue for the school district or the amount of
14 those aids, whichever is less.

15 **SECTION 2162.** 121.92 (2) (b) of the statutes is amended to read:

16 121.92 **(2)** (b) If the amount of the deduction under par. (a) is insufficient to
17 cover the excess revenue, deduct from the other state aid payments to the school
18 district in the school year in which the school district exceeded the revenue ceiling
19 or limit an amount equal to the remaining excess revenue or the amount of those
20 payments, whichever is less.

21 **SECTION 2163.** 121.92 (2) (e) of the statutes is amended to read:

22 121.92 **(2)** (e) Ensure that the amount of the excess revenue is not included in
23 determining the school district's ~~limits~~ ceiling or limit in the succeeding school year.

24 **SECTION 2164.** 125.04 (5) (a) 5. of the statutes is amended to read:

SENATE BILL 45**SECTION 2164**

1 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
2 date of application a responsible beverage server training course at any location that
3 is offered by a technical college district and that conforms to curriculum guidelines
4 specified by the technical college system board or a comparable training course that
5 is approved by the department or the ~~educational approval~~ higher educational aids
6 board. This subdivision does not apply to an applicant who held, or who was an agent
7 appointed and approved under sub. (6) of a corporation or limited liability company
8 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a
9 Class “B” or “Class B” license or permit or a manager’s or operator’s license.

10 **SECTION 2165.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

11 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
12 body may issue an operator’s license unless the applicant has successfully completed
13 a responsible beverage server training course at any location that is offered by a
14 technical college district and that conforms to curriculum guidelines specified by the
15 technical college system board or a comparable training course that is approved by
16 the department or the ~~educational approval~~ higher educational aids board, or unless
17 the applicant fulfills one of the following requirements:

18 **SECTION 2166.** 138.052 (5) (am) 2. a. of the statutes is amended to read:

19 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the division
20 of banking for banks, the division of savings and ~~loan~~ institutions for savings and
21 loan associations and savings banks and the office of credit unions for credit unions
22 shall determine the interest rate that is the average of the interest rates paid,
23 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
24 accounts by institutions under the division’s or office’s jurisdiction at the close of the

SENATE BILL 45**SECTION 2166**

1 last quarterly reporting period that ended at least 30 days before the determination
2 is made.

3 **SECTION 2167.** 138.052 (5) (am) 2. b. of the statutes is amended to read:

4 138.052 (5) (am) 2. b. The office of credit unions and the division of banking
5 shall report the rate calculated to the division of savings ~~and loan~~ institutions within
6 5 days after the date on which the determination is made. The division of savings
7 ~~and loan~~ institutions shall calculate the average, rounded to the nearest
8 one-hundredth of a percent, of the 3 rates and report that interest rate to the revisor
9 of statutes within 5 days after the date on which the determination is made.

10 **SECTION 2168.** 138.055 (4) (a) of the statutes is amended to read:

11 138.055 (4) (a) The division of savings ~~and loan~~ institutions, if the lender is a
12 savings and loan association or savings bank;

13 **SECTION 2169.** 138.056 (1) (a) 4. a. of the statutes is amended to read:

14 138.056 (1) (a) 4. a. The division of savings ~~and loan~~ institutions, if the lender
15 is a savings and loan association or savings bank;

16 **SECTION 2170.** 138.12 (5) (a) of the statutes is amended to read:

17 138.12 (5) (a) The ~~commissioner~~ division may revoke or suspend the license of
18 any insurance premium finance company if the ~~commissioner~~ division finds that any
19 of the following:

- 20 1. Any license issued to such company was obtained by fraud,~~;~~
- 21 2. There was any misrepresentation in the application for the license,~~;~~
- 22 3. The holder of such license has otherwise shown himself or herself
23 untrustworthy or incompetent to act as a premium finance company,~~;~~
- 24 4. ~~Such~~ The company has violated any provision of this section, ~~or~~

SENATE BILL 45**SECTION 2170**

1 5. ~~Such~~ The company has been rebating part of the service charge as allowed
2 and permitted herein to any insurance agent or insurance broker or any employe of
3 an insurance agent or insurance broker or to any other person as an inducement to
4 the financing of any insurance policy with the premium finance company.

5 **SECTION 2171.** 139.30 (5) of the statutes is amended to read:

6 139.30 (5) “Indian tribe” means a federally recognized American Indian tribe
7 or band in this state.

8 **SECTION 2172.** 139.323 (intro.) of the statutes is amended to read:

9 **139.323 Refunds to Indian tribes.** (intro.) The department shall refund ~~70%~~
10 50% of the taxes collected under s. 139.31 (1) in respect to sales on reservations or
11 trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over
12 the reservation or trust land on which the sale is made if all of the following
13 conditions are fulfilled:

14 **SECTION 2173.** 139.75 (4d) of the statutes is created to read:

15 139.75 (4d) “Enrolled member” has the meaning given in s. 139.30 (4).

16 **SECTION 2174.** 139.75 (4p) of the statutes is created to read:

17 139.75 (4p) “Indian tribe” has the meaning given in s. 139.30 (5).

18 **SECTION 2175.** 139.75 (6m) of the statutes is created to read:

19 139.75 (6m) “Reservation” has the meaning given in s. 139.30 (9).

20 **SECTION 2176.** 139.76 (1) of the statutes is amended to read:

21 139.76 (1) An occupational excise tax is imposed upon the sale, offering or
22 exposing for sale, possession with intent to sell or removal for consumption or sale
23 or other disposition for any purpose of tobacco products by any person engaged as a
24 distributor of them at the rate of 20% of the manufacturer’s established list price to
25 distributors without diminution by volume or other discounts on domestic products.

SENATE BILL 45**SECTION 2176**

1 On products imported from another country the rate of tax is 20% of the amount
2 obtained by adding the manufacturer's list price to the federal tax, duties and
3 transportation costs to the United States. The tax attaches at the time the tobacco
4 products are received by the distributor in this state. The tax shall be passed on to
5 the ultimate consumer of the tobacco products. All tobacco products received in this
6 state for sale or distribution within this state, except tobacco products actually sold
7 as provided in sub. (2), shall be subject to such tax.

8 **SECTION 2177.** 139.76 (2) of the statutes is amended to read:

9 139.76 (2) Tobacco products sold to or by post exchanges of the U.S. armed
10 forces, to or by federally or state-operated veterans hospitals in this state, and
11 tobacco products sold to an interstate carrier of passengers for hire to be resold to
12 bona fide passengers actually being transported and tobacco products sold for
13 shipment outside this state in interstate commerce are not subject to the tax. The
14 ~~tax imposed by sub. (1) and s. 139.78 shall not apply with respect to any tobacco~~
15 ~~products which under the constitution and laws of the United States may not be~~
16 ~~taxed by this state.~~

17 **SECTION 2178.** 139.803 of the statutes is created to read:

18 **139.803 Refunds to Indian tribes.** The department shall refund 50% of the
19 taxes collected under s. 139.76 (1) in respect to sales on reservations or trust lands
20 of an Indian tribe to the tribal council of the tribe having jurisdiction over the
21 reservation or trust land on which the sale is made if all of the following conditions
22 are fulfilled:

23 (1) The tribal council has filed a claim for the refund with the department.

24 (2) The tribal council has approved the retailer.

SENATE BILL 45**SECTION 2178**

1 **(3)** The land on which the sale occurred was designated a reservation or trust
2 land on or before January 1, 1983.

3 **(4)** The tobacco products were not delivered by the retailer to the buyer by
4 means of a common carrier, a contract carrier or the U.S. postal service.

5 **(5)** The retailer has not sold the tobacco products to another retailer or to a
6 subjobber.

7 **SECTION 2179.** 139.805 of the statutes is created to read:

8 **139.805 Agreements with Indian tribes.** The department may enter into
9 agreements with Indian tribes to provide for the refunding of the tobacco products
10 tax imposed under s. 139.76 (1) on tobacco products sold on reservations to enrolled
11 members of the tribe residing on the tribal reservation.

12 **SECTION 2180.** 139.82 (7) of the statutes is created to read:

13 **139.82 (7)** The department may inspect the business records of any retailer
14 doing business on a reservation or on an Indian tribe's trust land.

15 **SECTION 2181.** 139.82 (8) of the statutes is created to read:

16 **139.82 (8)** Each distributor shall collect and remit the excise tax imposed by
17 s. 139.76 (1) on tobacco products not exempt from the tobacco products tax under s.
18 139.76 (2), with the reports required to be filed under this section.

19 **SECTION 2182.** 139.85 (1) of the statutes is amended to read:

20 **139.85 (1)** The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
21 apply to this subchapter. In addition, a person who violates s. 139.82 (8) shall be fined
22 not less than \$1,000 nor more than \$5,000 or imprisoned for not less than 90 days
23 nor more than one year or both.

24 **SECTION 2183.** 145.01 (4m) of the statutes is amended to read:

SENATE BILL 45**SECTION 2183**

1 145.01 **(4m)** FAILING PRIVATE SMALL SEWAGE SYSTEM. “Failing private small
2 sewage system” has the meaning specified under s. 145.245 (4).

3 **SECTION 2184.** 145.01 (5) of the statutes is amended to read:

4 145.01 **(5)** GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SMALL
5 SEWAGE SYSTEMS. “Governmental unit responsible for the regulation of private small
6 sewage systems” or “governmental unit”, unless otherwise qualified, means the
7 county except that in a county with a population of 500,000 or more these terms mean
8 the city, village or town where the private small sewage system is located.

9 **SECTION 2185.** 145.01 (10) (b) of the statutes is amended to read:

10 145.01 **(10)** (b) The construction, connection or installation of any drain or
11 waste piping system from the outside or proposed outside foundation walls of any
12 building to the mains or other sewage system terminal within bounds of, or beneath
13 an area subject to easement for highway purposes, including private small sewage
14 systems, and the alteration of any such systems, drains or waste piping.

15 **SECTION 2186.** 145.01 (12) of the statutes is repealed.

16 **SECTION 2187.** 145.01 (14m) of the statutes is created to read:

17 145.01 **(14m)** SMALL SEWAGE SYSTEM. “Small sewage system” means one of the
18 following:

19 (a) Any holding tank that is connected to a building, drain or waste piping
20 system.

21 (b) Any wastewater treatment and disposal system with a final point of
22 discharge that is below the surface of the ground and with an estimated design flow
23 that does not exceed the maximum design flow specified under s. 145.02 (4) (c).

24 **SECTION 2188.** 145.02 (4) (c) of the statutes is created to read:

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1 145.02 (4) (c) The department, in cooperation with the department of natural
2 resources, shall promulgate rules specifying the maximum design flow for small
3 sewage systems with a final point of discharge that is below the surface of the ground.

4 **SECTION 2189.** 145.04 (3) of the statutes is repealed.

5 **SECTION 2190.** 145.045 (3) of the statutes is repealed.

6 **SECTION 2191.** 145.10 of the statutes is repealed and recreated to read:

7 **145.10 Denials, suspensions and revocations.** The department shall
8 promulgate rules for the denial, suspension and revocation of master or journeyman
9 plumber licenses, cross-connection control tester registrations and utility contractor
10 licenses or temporary permits.

11 **SECTION 2192.** 145.135 of the statutes is repealed.

12 **SECTION 2193.** 145.19 of the statutes is repealed and recreated to read:

13 **145.19 Sanitary permits. (1) DEFINITIONS.** In this section, “sanitary permit”
14 means a permit issued by the department or any governmental unit responsible for
15 the regulation of private sewage systems that authorizes the installation of a private
16 sewage system.

17 **(2) VALIDITY.** (a) No person may install a private sewage system unless the
18 owner of the property on which the private sewage system is to be installed holds a
19 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
20 notwithstanding any change in the state plumbing code or in any private sewage
21 system ordinance during that period, and is renewable for 2-year periods. A renewal
22 of a sanitary permit is governed by the rules in effect at the time the renewal is
23 sought.

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1 (b) A holder of a sanitary permit may transfer the sanitary permit to a
2 subsequent owner of the land, except that the subsequent owner shall obtain a new
3 copy of the sanitary permit from the issuing agent.

4 **(3) NOTICE.** A sanitary permit shall include a notice displayed conspicuously
5 and separately on the permit form to inform the permit holder that:

6 (a) The purpose of the sanitary permit is to allow installation of the private
7 sewage system described in the permit.

8 (b) The approval of the sanitary permit is based on rules in force on the date
9 of approval.

10 (c) The sanitary permit is valid and may be renewed for a 2-year period.

11 (d) Changed rules will not impair the validity of a sanitary permit, but they may
12 impede renewal.

13 (e) The sanitary permit is transferable.

14 **(4) INFORMATION ON SANITARY PERMITS; FORMS.** (a) The department shall
15 prescribe the information to be included on the sanitary permit and shall furnish
16 sanitary permit forms to the governmental unit responsible for the regulation of
17 private sewage systems.

18 (b) The applicant for a sanitary permit shall submit a completed sanitary
19 permit application to the governmental unit responsible for the regulation of private
20 sewage systems or the department. The governmental unit responsible for the
21 regulation of private sewage systems or the department, whichever is appropriate,
22 shall approve or disapprove the sanitary permit application according to the rules
23 promulgated by the department under ss. 145.02 and 145.13.

24 **(5) FEE.** No fee for a sanitary permit may be less than \$61, or the amount
25 determined under department rule. The governing body for the governmental unit

SENATE BILL 45**SECTION 2193**

1 responsible for the regulation of private sewage systems may establish a fee for a
2 sanitary permit which is more than \$61, or the amount determined under
3 department rule.

4 **(6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT.** The governmental unit
5 responsible for the regulation of private sewage systems shall forward a copy of each
6 valid sanitary permit and \$20, or the amount determined under department rule, of
7 the fee to the department within 90 days after the permit is issued.

8 **(7) USE OF FEE.** The governmental unit responsible for the regulation of private
9 sewage systems shall use the portion of the fee it retains for the administration of
10 private sewage system programs.

11 **(8) FEE ADJUSTMENT.** The department may by rule adjust the minimum permit
12 fee under sub. (5) and the fee portion forwarded under sub. (6).

13 **(9) GROUNDWATER FEE.** In addition to the fee under sub. (5), the governmental
14 unit responsible for the regulation of private sewage systems or the department shall
15 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit
16 shall forward this fee to the department together with the copy of the sanitary permit
17 and the fee under sub. (6). The moneys collected under this subsection shall be
18 credited to the environmental fund for environmental management.

19 **SECTION 2194.** 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9) of the statutes, as
20 affected by 1999 Wisconsin Act ... (this act), are amended to read:

21 145.19 (1) **DEFINITIONS.** In this section, "sanitary permit" means a permit
22 issued by the department or any governmental unit responsible for the regulation
23 of private small sewage systems that authorizes the installation of a private small
24 sewage system.

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1 **(2)** (a) No person may install a private small sewage system unless the owner
2 of the property on which the private small sewage system is to be installed holds a
3 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
4 notwithstanding any change in the state plumbing code or in any private small
5 sewage system ordinance during that period, and is renewable for 2-year periods.
6 A renewal of a sanitary permit is governed by the rules in effect at the time the
7 renewal is sought.

8 **(3)** (a) The purpose of the sanitary permit is to allow installation of the private
9 small sewage system described in the permit.

10 **(4)** INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
11 prescribe the information to be included on the sanitary permit and shall furnish
12 sanitary permit forms to the governmental unit responsible for the regulation of
13 private small sewage systems.

14 (b) The applicant for a sanitary permit shall submit a completed sanitary
15 permit application to the governmental unit responsible for the regulation of private
16 small sewage systems or the department. The governmental unit responsible for the
17 regulation of private small sewage systems or the department, whichever is
18 appropriate, shall approve or disapprove the sanitary permit application according
19 to the rules promulgated by the department under ss. 145.02 and 145.13.

20 **(5)** FEE. No fee for a sanitary permit may be less than \$61, or the amount
21 determined under department rule. The governing body for the governmental unit
22 responsible for the regulation of private small sewage systems may establish a fee
23 for a sanitary permit which is more than \$61, or the amount determined under
24 department rule.

SENATE BILL 45**SECTION 2194**

1 **(6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT.** The governmental unit
2 responsible for the regulation of private small sewage systems shall forward a copy
3 of each valid sanitary permit and \$20, or the amount determined under department
4 rule, of the fee to the department within 90 days after the permit is issued.

5 **(7) USE OF FEE.** The governmental unit responsible for the regulation of private
6 small sewage systems shall use the portion of the fee it retains for the administration
7 of private small sewage system programs.

8 **(9) GROUNDWATER FEE.** In addition to the fee under sub. (5), the governmental
9 unit responsible for the regulation of private small sewage systems or the
10 department shall collect a groundwater fee of \$25 for each sanitary permit. The
11 governmental unit shall forward this fee to the department together with the copy
12 of the sanitary permit and the fee under sub. (6). The moneys collected under this
13 subsection shall be credited to the environmental fund for environmental
14 management.

15 **SECTION 2195.** 145.20 (title) of the statutes is amended to read:

16 **145.20 (title) Private Small sewage systems.**

17 **SECTION 2196.** 145.20 (1) of the statutes is amended to read:

18 **145.20 (1) ORGANIZATION AND PERSONNEL.** (a) The governing body of the
19 governmental unit responsible for the regulation of private small sewage systems
20 may assign the duties of administering the private small sewage system program to
21 any office, department, committee, board, commission, position or employe of that
22 governmental unit.

23 (am) The governing body of the governmental unit responsible for the
24 regulation of private small sewage systems may delegate the duties of administering
25 the private small sewage system program to a town sanitary district or public inland

SENATE BILL 45**SECTION 2196**

1 lake protection and rehabilitation district with the powers of a town sanitary district
2 within the town sanitary district or public inland lake protection and rehabilitation
3 district if the town sanitary district or public inland lake protection and
4 rehabilitation district agrees to assume those duties.

5 (b) The governmental unit responsible for the regulation of private small
6 sewage systems shall obtain the services of a certified soil tester, either as an employe
7 or under contract, to review and verify certified soil tester reports under sub. (2).

8 **SECTION 2197.** 145.20 (1) (ar) of the statutes is created to read:

9 145.20 (1) (ar) The governmental unit responsible for the regulation of private
10 sewage systems may, with the department's consent, delegate the administration of
11 any of the responsibilities under sub. (2) to the department. If the department
12 consents to the delegation, it may contract for the administration of the delegated
13 responsibilities.

14 **SECTION 2198.** 145.20 (1) (ar) of the statutes, as created by 1999 Wisconsin Act
15 (this act), is amended to read:

16 145.20 (1) (ar) The governmental unit responsible for the regulation of private
17 small sewage systems may, with the department's consent, delegate the
18 administration of any of the responsibilities under sub. (2) to the department. If the
19 department consents to the delegation, it may contract for the administration of the
20 delegated responsibilities.

21 **SECTION 2199.** 145.20 (2) (intro.) of the statutes is amended to read:

22 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The Except as
23 provided under sub. (1) (am) and (ar), the governmental unit responsible for the
24 regulation of private sewage systems shall:

SENATE BILL 45**SECTION 2200**

1 **SECTION 2200.** 145.20 (2) (intro.) of the statutes, as affected by 1999 Wisconsin
2 Act (this act), is amended to read:

3 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) Except as provided
4 under sub. (1) (am) and (ar), the governmental unit responsible for the regulation of
5 ~~private~~ small sewage systems shall:

6 **SECTION 2201.** 145.20 (2) (a) of the statutes is amended to read:

7 145.20 (2) (a) Review certified soil tester reports for proposed ~~private~~ small
8 sewage systems and verify the report at the proposed site, if necessary.

9 **SECTION 2202.** 145.20 (2) (am) of the statutes is created to read:

10 145.20 (2) (am) Retain the results of any percolation test or other test relating
11 to the disposal of liquid domestic wastes into the soil, make the test results available
12 to an applicant for a sanitary permit and accept the test results as the basis for a
13 sanitary permit application, unless the soil at the test site is altered to the extent that
14 a new soil test is necessary.

15 **SECTION 2203.** 145.20 (2) (b) of the statutes is amended to read:

16 145.20 (2) (b) ~~Approve or disapprove applications for sanitary permits and~~
17 ~~assist~~ Assist applicants in preparing an approvable ~~application~~ sanitary permit
18 applications.

19 **SECTION 2204.** 145.20 (2) (d) to (h) of the statutes are amended to read:

20 145.20 (2) (d) Inspect all ~~private~~ small sewage systems after construction but
21 before backfilling no later than the end of the next workday, excluding Saturdays,
22 Sundays and holidays, after receiving notice from the plumber in charge.

23 (e) File reports and conduct surveys and inspections as required by the
24 governmental unit responsible for the regulation of ~~private~~ small sewage systems or
25 the department.

SENATE BILL 45**SECTION 2204**

1 (f) Investigate violations of the ~~private~~ small sewage system ordinance and s.
2 254.59 (2), issue orders to abate the violations and submit orders to the district
3 attorney, corporation counsel or attorney general for enforcement.

4 (g) Perform other duties regarding ~~private~~ small sewage systems as considered
5 appropriate by the governmental unit responsible for the regulation of ~~private~~ small
6 sewage systems or as required by the rules of the department.

7 (h) Inspect existing ~~private~~ small sewage systems to determine compliance
8 with s. 66.036 if a building or structure is being constructed which requires
9 connection to an existing ~~private~~ small sewage system. The county is not required
10 to conduct an on-site inspection if a building or structure is being constructed which
11 does not require connection to an existing ~~private~~ small sewage system.

12 **SECTION 2205.** 145.20 (3) (a) and (b) of the statutes are amended to read:

13 145.20 (3) (a) 1. The department may specify categories of ~~private~~ small sewage
14 systems for which approval by the department is required prior to issuance of
15 sanitary permits by the governmental unit responsible for the regulation of ~~private~~
16 small sewage systems.

17 2. The department may exempt a governmental unit from any category of
18 ~~private~~ small sewage systems for which departmental approval is required prior to
19 sanitary permit issuance under subd. 1., upon a determination, in accordance with
20 rules promulgated by the department, that past performance of the governmental
21 unit on reviews and audits under par. (b) has been satisfactory and that the
22 governmental unit has the capacity to give the same level of application and plan
23 review as that provided by the department. The department may revoke an
24 exemption upon a finding that performance of the governmental unit on a review or
25 audit conducted subsequent to the granting of the exemption is unsatisfactory or

SENATE BILL 45**SECTION 2205**

1 that the governmental unit is not giving the same level of application and plan
2 review as that provided by the department. Findings in a revocation action may be
3 made only after a public hearing upon 30 days' advance notice to the clerk of the
4 governmental unit. The department shall submit a report under s. 13.172 (2) to the
5 chief clerk of each house of the legislature, at the beginning of each legislative
6 session, describing the exemptions under this subdivision.

7 (b) The department shall review the ~~private~~ small sewage system program in
8 each governmental unit responsible for the regulation of ~~private~~ small sewage
9 systems to ascertain compliance with sub. (2) and with regulations issued by the
10 department. This review shall include a random audit of sanitary permits, including
11 verification by on-site inspection.

12 **SECTION 2206.** 145.20 (3) (c) of the statutes is amended to read:

13 145.20 (3) (c) If the governing body for a governmental unit responsible for the
14 regulation of private sewage systems does not adopt a private sewage system
15 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
16 not appoint personnel meeting the requirements of sub. (1) or if the governmental
17 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
18 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
19 As soon as practicable after the public hearing, the department shall issue a written
20 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the
21 department determines that there is a violation of these provisions, the
22 ~~governmental unit may not issue a sanitary permit for the installation of a private~~
23 ~~sewage system until the violation is corrected~~ department may issue an order
24 directing the governmental unit to remedy the violation.

SENATE BILL 45**SECTION 2207**

1 **SECTION 2207.** 145.20 (3) (c) of the statutes, as affected by 1999 Wisconsin Act
2 (this act), is amended to read:

3 145.20 (3) (c) If the governing body for a governmental unit responsible for the
4 regulation of ~~private~~ small sewage systems does not adopt a ~~private~~ small sewage
5 system ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit
6 does not appoint personnel meeting the requirements of sub. (1) or if the
7 governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3),
8 the department may conduct hearings in the county seat upon 30 days' notice to the
9 county clerk. As soon as practicable after the public hearing, the department shall
10 issue a written decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub.
11 (1) or (2). If the department determines that there is a violation of these provisions,
12 the department may issue an order directing the governmental unit to remedy the
13 violation.

14 **SECTION 2208.** 145.20 (4) of the statutes is amended to read:

15 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
16 governmental unit may assess the owner of a ~~private~~ small sewage system for costs
17 related to the pumping of a septic or holding tank. The governmental unit shall make
18 any assessment in the same manner that a city, village or town makes an assessment
19 under s. 66.60.

20 **SECTION 2209.** 145.24 of the statutes is amended to read:

21 **145.24 Variances. (1)** If an existing ~~private~~ small sewage system either is not
22 located in soil meeting the siting standards or is not constructed in accordance with
23 design standards promulgated under s. 145.02 or 145.13, the owner of the ~~private~~
24 small sewage system may petition the department for a variance to the siting or
25 design standards.

SENATE BILL 45**SECTION 2209**

1 (2) The department shall establish procedures for the review and evaluation
2 of existing private small sewage systems which do not comply with siting or design
3 standards.

4 (3) Upon receipt of a petition for a variance, the department shall require the
5 owner of the private small sewage system to submit information necessary to
6 evaluate the request for a variance. If the department determines that the existing
7 private small sewage system is not a failing private small sewage system, and
8 continued use of the existing private small sewage system will not pose a threat of
9 contamination of waters of the state, then the department may issue a variance to
10 allow continued use of the existing private small sewage system. The department
11 shall rescind the variance if the existing private small sewage system becomes a
12 failing private small sewage system or contaminates waters of the state.

13 **SECTION 2210.** 145.245 (title) of the statutes is amended to read:

14 **145.245** (title) **Private Small sewage system replacement or**
15 **rehabilitation.**

16 **SECTION 2211.** 145.245 (1) (a) 1. of the statutes is amended to read:

17 145.245 (1) (a) 1. A determination that a private small sewage system is failing,
18 according to the criteria under sub. (4), based on an inspection of the private small
19 sewage system by an employe of the state or a governmental unit who is certified to
20 inspect private small sewage systems by the department.

21 **SECTION 2212.** 145.245 (1) (ae) of the statutes is amended to read:

22 145.245 (1) (ae) “Governmental unit” means a governmental unit responsible
23 for the regulation of private small sewage systems. “Governmental unit” also
24 includes a federally recognized American Indian tribe or band.

25 **SECTION 2213.** 145.245 (3) of the statutes is amended to read:

SENATE BILL 45**SECTION 2213**

1 145.245 (3) MAINTENANCE. The department shall establish a maintenance
2 program to be administered by governmental units. The maintenance program is
3 applicable to all new or replacement ~~private~~ small sewage systems constructed in a
4 governmental unit after the date on which the governmental unit adopts this
5 program. The maintenance program shall include a requirement of inspection or
6 pumping of the ~~private~~ small sewage system at least once every 3 years. Inspections
7 may be conducted by a master plumber, journeyman plumber or restricted plumber
8 licensed under this chapter, ~~a person licensed under s. 281.48~~ small sewage system
9 inspector certified under ss. 101.66 and 145.02 or by an employe of the state or
10 governmental unit designated by the department. ~~The department of natural~~
11 ~~resources may suspend or revoke a license issued under s. 281.48 or a certificate~~
12 ~~issued under s. 281.17 (3) to the operator of a septage servicing vehicle if the~~
13 ~~department of natural resources finds that the licensee or operator falsified~~
14 ~~information on inspection forms.~~ The department of commerce may suspend or
15 revoke the license of a plumber licensed under this chapter if the department finds
16 that the plumber falsified information on inspection forms.

17 **SECTION 2214.** 145.245 (3) of the statutes, as affected by 1999 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 145.245 (3) MAINTENANCE. The department shall establish a maintenance
20 program to be administered by governmental units. The maintenance program is
21 applicable to all new or replacement small sewage systems constructed in a
22 governmental unit after the date on which the governmental unit adopts this
23 program. The department shall establish by rule a schedule for the inspection or
24 pumping of the small sewage system. Inspections may be conducted by a master
25 plumber, journeyman plumber or restricted plumber licensed under this chapter, by

SENATE BILL 45**SECTION 2214**

1 a small sewage system inspector certified under ss. 101.66 and 145.02 or by an
2 employe of the state or governmental unit designated by the department. The
3 department of commerce may suspend or revoke the license of a plumber licensed
4 under this chapter if the department finds that the plumber falsified information on
5 inspection forms.

6 **SECTION 2215.** 145.245 (3) (d) of the statutes is amended to read:

7 145.245 (3) (d) The department shall conduct training and informational
8 programs for officials of the governmental unit responsible for the regulation of
9 ~~private~~ small sewage systems and employes and persons licensed under this chapter
10 and s. 281.48 and certified as operators of septage servicing vehicles under s. 281.17
11 (3) to improve the delivery of service under the ~~private~~ small sewage system
12 program. The department shall obtain the assistance of the Wisconsin counties
13 association in planning and conducting the training and informational programs.

14 **SECTION 2216.** 145.245 (4) (intro.) of the statutes is amended to read:

15 145.245 (4) ~~FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. (intro.) The department
16 shall establish criteria for determining if a ~~private~~ small sewage system is a failing
17 ~~private~~ small sewage system. A failing ~~private~~ small sewage system is one which
18 causes or results in any of the following conditions:

19 **SECTION 2217.** 145.245 (4) (b) of the statutes is amended to read:

20 145.245 (4) (b) The introduction of sewage into zones of saturation which
21 adversely affects the operation of a ~~private~~ small sewage system.

22 **SECTION 2218.** 145.245 (4) (e) of the statutes is amended to read:

23 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
24 into the structure served by the ~~private~~ small sewage system.

25 **SECTION 2219.** 145.245 (4m) of the statutes is amended to read:

SENATE BILL 45**SECTION 2219**

1 145.245 (**4m**) CATEGORIES OF FAILING PRIVATE SMALL SEWAGE SYSTEMS. For the
2 purposes of this section, the department shall establish the category of each failing
3 private small sewage system for which a grant application is submitted, as follows:

4 (a) Category 1: failing private small sewage systems described in sub. (4) (a)
5 to (c).

6 (b) Category 2: failing private small sewage systems described in sub. (4) (d).

7 (c) Category 3: failing private small sewage systems described in sub. (4) (e).

8 **SECTION 2220.** 145.245 (5) (a) 1. of the statutes is amended to read:

9 145.245 (**5**) (a) 1. A person is eligible for grant funds under this section if he or
10 she owns a principal residence which is served by a category 1 or 2 failing private
11 sewage system, if the ~~residence was constructed prior to and inhabited on~~ private
12 sewage system was installed before July 1, 1978, if the family income of the person
13 does not exceed the income limitations under par. (c), if the amount of the grant
14 determined under sub. (7) is at least \$100, if the residence is not located in an area
15 served by a sewer and if determination of failure is made prior to the rehabilitation
16 or replacement of the failing private sewage system.

17 **SECTION 2221.** 145.245 (5) (a) 1. of the statutes, as affected by 1999 Wisconsin
18 Act (this act), is amended to read:

19 145.245 (**5**) (a) 1. A person is eligible for grant funds under this section if he or
20 she owns a principal residence which is served by a category 1 or 2 failing private
21 small sewage system, if the ~~private~~ small sewage system was installed before July
22 1, 1978, if the family income of the person does not exceed the income limitations
23 under par. (c), if the amount of the grant determined under sub. (7) is at least \$100,
24 if the residence is not located in an area served by a sewer and if determination of

SENATE BILL 45**SECTION 2221**

1 failure is made prior to the rehabilitation or replacement of the failing ~~private~~ small
2 sewage system.

3 **SECTION 2222.** 145.245 (5) (a) 2. of the statutes is amended to read:

4 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
5 owns a small commercial establishment which is served by a category 1 or 2 failing
6 private sewage system, if the ~~small commercial establishment was constructed prior~~
7 ~~to private sewage system~~ was installed before July 1, 1978, if the gross revenue of
8 the business does not exceed the limitation under par. (d), if the small commercial
9 establishment is not located in an area served by a sewer and if a determination of
10 failure is made prior to the rehabilitation or replacement of the private sewage
11 system.

12 **SECTION 2223.** 145.245 (5) (a) 2. of the statutes, as affected by 1999 Wisconsin
13 Act (this act), is amended to read:

14 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
15 owns a small commercial establishment which is served by a category 1 or 2 failing
16 ~~private~~ small sewage system, if the ~~private~~ small sewage system was installed before
17 July 1, 1978, if the gross revenue of the business does not exceed the limitation under
18 par. (d), if the small commercial establishment is not located in an area served by a
19 sewer and if a determination of failure is made prior to the rehabilitation or
20 replacement of the ~~private~~ small sewage system.

21 **SECTION 2224.** 145.245 (5) (a) 3. of the statutes is amended to read:

22 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
23 establishment which is served by a category 1 or 2 failing ~~private~~ small sewage
24 system may submit an application for grant funds during the 3-year period after the
25 determination of failure is made. Grant funds may be awarded after work is

SENATE BILL 45**SECTION 2224**

1 completed if rehabilitation or replacement of the system meets all requirements of
2 this section and rules promulgated under this section.

3 **SECTION 2225.** 145.245 (5) (c) 2. of the statutes is amended to read:

4 145.245 (5) (c) 2. Except as provided under subd. 4., annual family income shall
5 be based upon the federal adjusted gross income of the owner and the owner's spouse,
6 if any, as computed for ~~Wisconsin income tax purposes~~ for the taxable year prior to
7 the year in which the determination of failure is made. ~~The county median income~~
8 ~~shall be determined based upon the most recent statistics published by the federal~~
9 ~~department of housing and urban development for the year prior to the year in which~~
10 ~~the determination of failure is made.~~

11 **SECTION 2226.** 145.245 (5) (c) 3. of the statutes is amended to read:

12 145.245 (5) (c) 3. In order to be eligible for grant funds under this section, a
13 person shall submit a copy of the ~~designated~~ federal income tax returns ~~for the~~
14 ~~taxable year prior to the year in which the determination of failure is~~ upon which the
15 determination of federal adjusted gross income under subd. 2. was made together
16 with any application required by the governmental unit. ~~For taxable year 1985 and~~
17 ~~earlier, the person shall submit a copy of his or her individual or combined Wisconsin~~
18 ~~income tax return. For taxable year 1986 and thereafter, the person shall submit a~~
19 ~~copy of his or her joint Wisconsin income tax return or, if filing separately, his or her~~
20 ~~separate Wisconsin income tax return and the separate Wisconsin income tax return~~
21 ~~of his or her spouse, if any.~~

22 **SECTION 2227.** 145.245 (5) (c) 4. of the statutes is amended to read:

23 145.245 (5) (c) 4. A governmental unit may disregard the ~~Wisconsin~~ federal
24 ~~income tax return for the taxable year prior to the year in which the determination~~
25 ~~of failure is made~~ that is submitted under subd. 3. and may determine annual family

SENATE BILL 45**SECTION 2227**

1 income based upon satisfactory evidence of federal adjusted gross income or
2 projected taxable federal adjusted gross income of the owner and the owner's spouse
3 in the current year. The department shall promulgate rules establishing criteria for
4 determining what constitutes satisfactory evidence of federal adjusted gross income
5 or projected federal adjusted gross income in a current year.

6 **SECTION 2228.** 145.245 (5m) (a) of the statutes is amended to read:

7 145.245 (5m) (a) The department or a governmental unit shall deny a grant
8 application under this section if the applicant or a person who would be directly
9 benefited by the grant intentionally caused the conditions which resulted in a
10 category 1 or 2 failing private small sewage system. The department or
11 governmental unit shall notify the applicant in writing of a denial, including the
12 reason for the denial.

13 **SECTION 2229.** 145.245 (5m) (b) of the statutes is amended to read:

14 145.245 (5m) (b) The department shall notify a governmental unit if it receives
15 a certification under s. 49.855 (7) that an individual is delinquent in child support
16 or maintenance payments or owes past support, medical expenses or birth expenses
17 an individual's name appears on the statewide support lien docket under s. 49.854
18 (2) (b). The department or a governmental unit shall deny an application under this
19 section if the department receives a certification under s. 49.855 (7) that name of the
20 applicant or an individual who would be directly benefited by the grant is delinquent
21 in child support or maintenance payments or owes past support, medical expenses
22 or birth expenses appears on the statewide support lien docket under s. 49.854 (2)
23 (b), unless the applicant or individual who would be benefited by the grant provides
24 to the department or governmental unit a payment agreement that has been

SENATE BILL 45**SECTION 2229**

1 approved by the county child support agency under s. 59.53 (5) and that is consistent
2 with rules promulgated under s. 49.858 (2) (a).

3 **SECTION 2230.** 145.245 (6) of the statutes is amended to read:

4 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available
5 under a grant under this section shall be applied to the rehabilitation or replacement
6 of the private small sewage system. An existing private small sewage system may
7 be replaced by an alternative private small sewage system or by a system serving
8 more than one principal residence.

9 (b) Funds available under a grant under this section for experimental private
10 small sewage systems shall be applied to the installation and monitoring of the
11 experimental private small sewage systems.

12 **SECTION 2231.** 145.245 (7) of the statutes is amended to read:

13 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),
14 costs allowable in determining grant funding under this section may not exceed the
15 costs of rehabilitating or replacing a private small sewage system which would be
16 necessary to allow the rehabilitated system or new system to meet the minimum
17 requirements of the state plumbing code promulgated under s. 145.13.

18 (b) Except as provided in par. (e), costs allowable in determining grant funding
19 under this section may not exceed the costs of rehabilitating or replacing a private
20 small sewage system by the least costly methods.

21 (c) Except as provided in pars. (d) and (e), the state grant share under this
22 section is limited to \$7,000 for each principal residence or small commercial
23 establishment to be served by the private small sewage system or to the amount
24 determined by the department based upon private small sewage system grant
25 funding tables, whichever is less. The department shall prepare and publish private

SENATE BILL 45**SECTION 2231**

1 small sewage system grant funding tables which specify the maximum state share
2 limitation for various components and costs involved in the rehabilitation or
3 replacement of a ~~private~~ small sewage system based upon minimum size and other
4 requirements specified in the state plumbing code promulgated under s. 145.02. The
5 maximum state share limitations shall be designed to pay approximately 60% of the
6 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement
7 based upon estimated or actual costs of that rehabilitation or replacement. The
8 department shall revise the grant funding tables when it determines that 60% of
9 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed
10 the amounts in the grant funding tables by more than 10%, except that the
11 department may not revise the grant funding tables more often than once every 2
12 years.

13 (d) Except as provided in par. (e), if the income of a person who owns a principal
14 residence that is served by a category 1 or 2 failing ~~private~~ small sewage system is
15 greater than \$32,000, the amount of the grant under this section is limited to the
16 amount determined under par. (c) less 30% of the amount by which the person's
17 income exceeds \$32,000.

18 (e) Costs allowable for experimental ~~private~~ small sewage systems shall
19 include the costs of installing and monitoring experimental ~~private~~ small sewage
20 systems installed under s. 145.02 (3) (b) and this section. The department shall
21 promulgate rules that specify how the department will select, monitor and allocate
22 the state share for experimental ~~private~~ small sewage systems that the department
23 funds under this section.

24 **SECTION 2232.** 145.245 (8) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 2232**

1 145.245 (8) (a) In order to be eligible for a grant under this section, a
2 governmental unit shall make an application for replacement or rehabilitation of
3 ~~private~~ small sewage systems of principal residences or small commercial
4 establishments and shall submit an application for participation to the department.
5 The application shall be in the form and include the information the department
6 prescribes. In order to be eligible for funds available in a fiscal year, an application
7 is required to be received by the department prior to February 1 of the previous fiscal
8 year.

9 **SECTION 2233.** 145.245 (9) (b) of the statutes is amended to read:

10 145.245 (9) (b) Certify that grants will be used for ~~private~~ small sewage system
11 replacement or rehabilitation for a principal residence or small commercial
12 establishment owned by a person who meets the eligibility requirements under sub.
13 (5), that the funds will be used as provided under sub. (6) and that allowable costs
14 will not exceed the amount permitted under sub. (7);

15 **SECTION 2234.** 145.245 (9) (c) of the statutes is amended to read:

16 145.245 (9) (c) Certify that grants will be used for ~~private~~ small sewage systems
17 which will be properly installed and maintained;

18 **SECTION 2235.** 145.245 (9) (e) of the statutes is amended to read:

19 145.245 (9) (e) Establish a process for regulation and inspection of ~~private~~
20 small sewage systems;

21 **SECTION 2236.** 145.245 (11) (e) of the statutes is amended to read:

22 145.245 (11) (e) *Limitation; experimental ~~private~~ small sewage systems.* The
23 department may not allocate more than 10% of the funds available under this
24 subsection each fiscal year for grants for the installation and monitoring of
25 experimental ~~private~~ small sewage systems.

SENATE BILL 45**SECTION 2237**

1 **SECTION 2237.** 145.245 (11m) (b) to (d) of the statutes are amended to read:

2 145.245 **(11m)** (b) Except as provided in par. (d), if funds are sufficient to fully
3 fund all category 1 but not all category 2 failing ~~private~~ small sewage systems, the
4 department shall fully fund all category 1 systems and prorate the funds for category
5 2 systems on a proportional basis.

6 (c) Except as provided in par. (d), if funds are not sufficient to fully fund all
7 category 1 failing ~~private~~ small sewage systems, the department shall fund the
8 category 1 systems on a proportional basis and deny the grant applications for all
9 category 2 systems.

10 (d) The department is not required to prorate available funds for grants for the
11 installation and monitoring of experimental ~~private~~ small sewage systems.

12 **SECTION 2238.** 145.245 (12m) of the statutes is created to read:

13 145.245 **(12m)** LOANS TO GOVERNMENTAL UNITS. (a) A governmental unit to
14 which the department allocates funds under sub. (11) for a fiscal year may apply to
15 the department for a loan under this subsection if the department prorates funds
16 under sub. (11m) for that fiscal year. A governmental unit may only use a loan under
17 this subsection to increase the amounts of grants to persons eligible under sub. (5)
18 above the amounts that would be provided without a loan under this subsection or
19 to provide grants to persons eligible under sub. (5) who would otherwise not receive
20 grants, because of the operation of sub. (11m) (c), but the total amount provided to
21 a person under this section may not exceed the amount authorized under sub (7).

22 (b) A loan under this subsection bears no interest. A loan under this subsection
23 may not exceed the difference between the amount of the grant that the
24 governmental unit would have received if the department had not prorated grants
25 under sub. (11) and the amount of the grant that the governmental unit did receive.

SENATE BILL 45**SECTION 2238**

1 If the amount available for loans under s. 20.320 (3) (q) in a fiscal year is not sufficient
2 to provide loans to all eligible governmental units applying for loans, the department
3 shall allocate the available funds in the same manner as in sub. (11) (c).

4 (c) A loan approved under this subsection shall be for no longer than 20 years,
5 as determined by the department of administration, and be fully amortized not later
6 than 20 years after the original date of the note.

7 (d) As a condition of receiving a loan under this subsection an applicant shall
8 do all of the following:

9 1. Pledge the security, if any, required by the department of administration
10 under this subsection.

11 2. Demonstrate to the satisfaction of the department of administration the
12 financial capacity to assure sufficient revenues to repay the loan.

13 (e) The department of commerce and the department of administration may
14 enter into a financial assistance agreement with a governmental unit that applies
15 for a loan under this subsection and meets the eligibility requirements for a loan,
16 including the requirements under par. (d).

17 (f) The department of administration, in consultation with the department of
18 commerce, may establish those terms and conditions of a financial assistance
19 agreement that relate to its financial management, including what type of municipal
20 obligation is required for the repayment of the financial assistance. In setting the
21 terms and conditions, the department of administration may consider factors that
22 the department of administration finds are relevant, including the type of obligation
23 evidencing the loan, the pledge of security for the obligation and the applicant's
24 creditworthiness.

SENATE BILL 45**SECTION 2238**

1 (g) The department of administration shall make and disburse a loan to an
2 applicant that has entered into a financial assistance agreement under par. (e). The
3 department of administration, in consultation with the department of commerce,
4 shall establish procedures for disbursing loans.

5 (h) If a governmental unit fails to make a principal repayment after its due
6 date, the department of administration shall place on file a certified statement of all
7 amounts due under this subsection. After consulting the department of commerce,
8 the department of administration may collect all amounts due by deducting those
9 amounts from any state payments due the governmental unit or may add a special
10 charge to the amount of taxes apportioned to and levied upon the county under s.
11 70.60. If the department of administration collects amounts due, it shall remit those
12 amounts to the fund to which they are due and notify the department of commerce
13 of that action.

14 **SECTION 2239.** 145.245 (13) of the statutes is amended to read:

15 145.245 (13) INSPECTION. Agents of the department or the governmental unit
16 may enter premises where ~~private~~ small sewage systems are located pursuant to a
17 special inspection warrant as required under s. 66.122, to collect samples, records
18 and information and to ascertain compliance with the rules and orders of the
19 department or the governmental unit.

20 **SECTION 2240.** 145.245 (14) (d) of the statutes is amended to read:

21 145.245 (14) (d) Additional grants under this section to a governmental unit
22 previously awarded a grant under this section may be suspended or terminated if the
23 department finds that a ~~private~~ small sewage system previously funded in the
24 governmental unit is not being or has not been properly rehabilitated, constructed,
25 installed or maintained.

SENATE BILL 45**SECTION 2241**

1 **SECTION 2241.** 146.19 (2) (intro.) of the statutes is amended to read:

2 146.19 **(2)** COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From
3 the appropriation under s. 20.435 (5) ~~(ek)~~ (ke), the department shall award grants
4 for cooperative American Indian health projects in order to promote cooperation
5 among tribes, tribal agencies, inter-tribal organizations and other agencies and
6 organizations in addressing specific problem areas in the field of American Indian
7 health. A tribe, tribal agency or inter-tribal organization may apply, in the manner
8 specified by the department, for a grant of up to \$10,000 to conduct a cooperative
9 American Indian health project, which meets all of the following requirements:

10 **SECTION 2242.** 146.50 (5) (f) of the statutes is amended to read:

11 146.50 **(5)** (f) The department may charge a reasonable fee for a an initial
12 license or training permit issued under this subsection, except that no fee may be
13 charged to an individual who is an employe of a public agency and who works for
14 volunteer or paid-on-call ambulance service providers and who is an applicant for
15 a license as an emergency medical technician — basic or for a training permit.

16 **SECTION 2243.** 146.50 (10) of the statutes is renumbered 146.50 (10) (a) (intro.)
17 and amended to read:

18 146.50 **(10)** (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
19 renew the license on July 1 of each even-numbered year by applying to the
20 department on forms provided by the department. ~~Upon receipt of an application for~~
21 ~~renewal containing documentation acceptable to the department that the~~
22 ~~requirements of sub. (6) have been met~~ Unless the department finds that the
23 applicant has acted in a manner or under circumstances constituting grounds for
24 suspension or revocation of the license and except as provided in ss. 146.51 and
25 146.52, the department shall renew the license unless the department finds that the

SENATE BILL 45**SECTION 2243**

1 applicant has acted in a manner or under circumstances constituting grounds for
2 suspension or revocation of the license. upon receipt of all of the following:

3 **SECTION 2244.** 146.50 (10) (a) 1. of the statutes is created to read:

4 146.50 (10) (a) 1. An application for renewal containing documentation
5 acceptable to the department that the applicable requirements of sub. (6) have been
6 met.

7 **SECTION 2245.** 146.50 (10) (a) 2. of the statutes is created to read:

8 146.50 (10) (a) 2. A reasonable fee prescribed by rule by the department for
9 license renewal.

10 **SECTION 2246.** 146.50 (10) (a) 3. of the statutes is created to read:

11 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department
12 for untimely license renewal.

13 **SECTION 2247.** 146.50 (10) (b) of the statutes is created to read:

14 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)
15 3. to the appropriation account under s. 20.435 (1) (gm).

16 **SECTION 2248.** 146.50 (11m) of the statutes is created to read:

17 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
18 service provider who violates this section or any rule promulgated under the
19 authority of this section shall forfeit not more than the amount specified by rule by
20 the department. Each day of violation constitutes a separate offense, except that no
21 day in the period between the date on which a request for hearing is filed under s.
22 227.44 and the date of the conclusion of all administrative and judicial proceedings
23 arising out of a decision under this subsection constitutes a violation.

24 (b) The department may directly assess forfeitures under par. (a). If the
25 department determines that a forfeiture should be assessed for a particular violation

SENATE BILL 45**SECTION 2248**

1 or for failure to correct the violation, the department shall send a notice of
2 assessment to the alleged violator. The notice shall specify the alleged violation of
3 the statute or rule and the amount of the forfeiture assessed and shall inform the
4 alleged violator of the right to contest the assessment under s. 227.44.

5 (c) All forfeitures shall be paid to the department within 10 days after receipt
6 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
7 10 days after receipt of the final decision, unless the final decision is appealed and
8 the decision is in favor of the appellant. The department shall remit all forfeitures
9 paid under this subsection to the state treasurer for deposit in the school fund.

10 **SECTION 2249.** 146.50 (13) (a) of the statutes is repealed.

11 **SECTION 2250.** 146.50 (13) (d) of the statutes is created to read:

12 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
13 following:

- 14 1. The amounts for license renewal fees to be assessed under sub. (10) (a) 2.
- 15 2. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
16 applicant for untimely renewal of a license issued under sub. (5) or (7).
- 17 3. The amounts for forfeitures to be assessed under sub. (11m) against an
18 ambulance service provider.

19 **SECTION 2251.** 146.56 (1) of the statutes is amended to read:

20 146.56 (1) Not later than July 1, ~~2001~~ 2002, the department shall develop and
21 implement a statewide trauma care system. The department shall seek the advice
22 of the statewide trauma advisory council under s. 15.197 (25) in developing and
23 implementing the system.

24 **SECTION 2252.** 146.819 (4) (e) of the statutes is repealed.

25 **SECTION 2253.** 146.82 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 2253**

1 146.82 (1) CONFIDENTIALITY. All patient health care records shall remain
2 confidential. Patient health care records may be released only to the persons
3 designated in this section or to other persons with the informed consent of the patient
4 or of a person authorized by the patient. This subsection does not prohibit reports
5 made in compliance with s. 146.995, 253.12 (2) or 979.01 or testimony authorized
6 under s. 905.04 (4) (h).

7 **SECTION 2254.** 146.93 (1) (a) of the statutes is amended to read:

8 146.93 (1) (a) From the appropriation under s. 20.435 ~~(1)~~ (4) (gp), the
9 department shall maintain a program for the provision of primary health care
10 services based on the primary health care program in existence on June 30, 1987.
11 The department may promulgate rules necessary to implement the program.

12 **SECTION 2255.** 146.99 of the statutes is amended to read:

13 **146.99 Assessments.** The department shall, within 90 days after the
14 commencement of each fiscal year, estimate the total amount of expenditures and the
15 department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (4) (gp) to
16 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross
17 private-pay patient revenues during the hospital's most recently concluded entire
18 fiscal year. Each hospital shall pay its assessment on or before December 1 for the
19 fiscal year. All payments of assessments shall be deposited in the appropriation
20 under s. 20.435 ~~(1)~~ (4) (gp).

21 **SECTION 2256.** 149.12 (2) (d) of the statutes is renumbered 149.12 (2) (d) 1. and
22 amended to read:

23 149.12 (2) (d) 1. ~~Except for a person who is an eligible individual as provided~~
24 in subd. 2., no person who is 65 years of age or older is eligible for coverage under the
25 plan.

SENATE BILL 45**SECTION 2257**

1 **SECTION 2257.** 149.12 (2) (d) 2. of the statutes is created to read:

2 149.12 (2) (d) 2. Subdivision 1. does not apply to any of the following:

3 a. A person who is an eligible individual.

4 b. A person who has coverage under the plan on the date on which he or she
5 attains the age of 65 years.

6 **SECTION 2258.** 149.12 (3) (b) of the statutes is amended to read:

7 149.12 (3) (b) Persons for whom deductible or coinsurance amounts are paid
8 or reimbursed under ch. 47 for vocational rehabilitation, under s. 49.68 for renal
9 disease, under s. 49.685 (8) for hemophilia, under s. 49.683 for cystic fibrosis ~~or,~~
10 under s. 253.05 for maternal and child health services or under s. 49.686 for the cost
11 of drugs for the treatment of HIV infection or AIDS are not ineligible for coverage
12 under the plan by reason of such payments or reimbursements.

13 **SECTION 2259.** 149.14 (3) (intro.) of the statutes is amended to read:

14 149.14 (3) COVERED EXPENSES. (intro.) Except as restricted by cost containment
15 provisions under s. 149.17 (4) and except as reduced by the board under s. 149.15 (3)
16 ~~(e) or by the department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered
17 expenses for the coverage under this section shall be the usual and customary
18 charges for the services provided by persons licensed under ch. 446 and certified
19 under s. 49.45 (2) (a) 11. Except as restricted by cost containment provisions under
20 s. 149.17 (4) and except as reduced by the board under s. 149.15 (3) (e) ~~or by the~~
21 ~~department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered expenses for
22 the coverage under this section shall also be the usual and customary charges for the
23 following services and articles if the service or article is prescribed by a physician
24 who is licensed under ch. 448 or in another state and who is certified under s. 49.45

SENATE BILL 45**SECTION 2259**

1 (2) (a) 11. and if the service or article is provided by a provider certified under s. 49.45

2 (2) (a) 11.:

3 **SECTION 2260.** 149.14 (4) (g) of the statutes is amended to read:

4 149.14 (4) (g) Dental care except as provided in sub. (3) (m) and (q).

5 **SECTION 2261.** 149.14 (6) (title) of the statutes is created to read:

6 149.14 (6) (title) PREEXISTING CONDITIONS.

7 **SECTION 2262.** 149.143 (1) (a) of the statutes is amended to read:

8 149.143 (1) (a) First from the appropriation under s. 20.435 ~~(5)~~ (4) (af).

9 **SECTION 2263.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

10 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
11 under s. 149.14 set at 150% of the rate that a standard risk would be charged under
12 an individual policy providing substantially the same coverage and deductibles as
13 are provided under the plan, including amounts received for premium and deductible
14 subsidies under ss. 20.435 ~~(5)~~ (4) (ah) and 149.144, and from premiums collected from
15 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
16 (b).

17 **SECTION 2264.** 149.143 (1) (b) 1. b. of the statutes is amended to read:

18 149.143 (1) (b) 1. b. Second, from the appropriation under s. 20.435 ~~(5)~~ (4) (gh),
19 to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan
20 costs.

21 **SECTION 2265.** 149.143 (1) (b) 1. c. of the statutes is amended to read:

22 149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with
23 coverage under s. 149.14 to more than 150% but not more than 200% of the rate that
24 a standard risk would be charged under an individual policy providing substantially
25 the same coverage and deductibles as are provided under the plan, including

SENATE BILL 45**SECTION 2265**

1 amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)
2 and 149.144, and by increasing premiums from eligible persons with coverage under
3 s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under
4 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

5 **SECTION 2266.** 149.143 (2) (a) 1. a. of the statutes is amended to read:

6 149.143 **(2)** (a) 1. a. Estimate the amount of enrollee premiums that would be
7 received in the new plan year if the enrollee premiums were set at a level sufficient,
8 when including amounts received for premium and deductible subsidies under ss.
9 20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons
10 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%
11 of the estimated plan costs for the new plan year, after deducting from the estimated
12 plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for
13 that plan year.

14 **SECTION 2267.** 149.143 (2) (a) 1. c. of the statutes is amended to read:

15 149.143 **(2)** (a) 1. c. If the amount estimated to be received under subd. 1. a. is
16 less than the amount estimated to be received under subd. 1. b., direct the plan
17 administrator to provide to the department, prior to the beginning of the plan year
18 and according to procedures specified by the department, the amount of the
19 difference. The department shall deposit all amounts received under this subd. 1.
20 c. in the appropriation account under s. 20.435 ~~(5)~~ (4) (gh).

21 **SECTION 2268.** 149.144 of the statutes is amended to read:

22 **149.144 Adjustments to insurer assessments and provider payment**
23 **rates for premium and deductible reductions.** If the moneys under s. 20.435
24 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.
25 149.165 and deductible reductions under s. 149.14 (5) (a), or the department

SENATE BILL 45**SECTION 2268**

1 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to
2 reimburse the plan for premium reductions under s. 149.165 and deductible
3 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal
4 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the
5 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,
6 sufficient to reimburse the plan for premium reductions under s. 149.165 and
7 deductible reductions under s. 149.14 (5) (a). The department shall notify the
8 commissioner so that the commissioner may levy any increase in insurer
9 assessments.

10 **SECTION 2269.** 149.146 (1) (a) of the statutes is amended to read:

11 149.146 (1) (a) Beginning on January 1, 1998, in addition to the coverage
12 required under s. 149.14, the plan shall offer to all eligible persons who are not
13 eligible for medicare a choice of coverage, as described in section 2744 (a) (1) (C), P.L.
14 104-191. Any such choice of coverage shall be major medical expense coverage.

15 **SECTION 2270.** 149.146 (1) (b) 2. of the statutes is amended to read:

16 149.146 (1) (b) 2. An eligible person under par. (a) may elect once each year, at
17 the time and according to procedures established by the department, among the
18 coverages offered under this section and s. 149.14. If an eligible person elects new
19 coverage, any preexisting condition exclusion imposed under the new coverage is met
20 to the extent that the eligible person has been previously and continuously covered
21 under this chapter. No preexisting condition exclusion may be imposed on an eligible
22 person who elects new coverage if the person was an eligible individual when first
23 covered under this chapter and the person remained continuously covered under this
24 chapter up to the time of electing the new coverage.

25 **SECTION 2271.** 149.146 (2) (am) of the statutes is created to read:

SENATE BILL 45**SECTION 2271**

1 149.146 (2) (am) 1. For all eligible persons with coverage under this section,
2 the deductible shall be \$2,500. Expenses used to satisfy the deductible during the
3 last 90 days of a calendar year shall also be applied to satisfy the deductible for the
4 following calendar year.

5 2. Except as provided in subd. 3., if the covered costs incurred by the eligible
6 person exceed the deductible for major medical expense coverage in a calendar year,
7 the plan shall pay at least 80% of any additional covered costs incurred by the person
8 during the calendar year.

9 3. If the aggregate of the covered costs not paid by the plan under subd. 2. and
10 the deductible exceeds \$3,500 for any eligible person during a calendar year or \$7,000
11 for all eligible persons in a family, the plan shall pay 100% of all covered costs
12 incurred by the eligible person during the calendar year after the payment ceilings
13 under this subdivision are exceeded.

14 4. Notwithstanding subds. 1. to 3., the department may establish different
15 deductible amounts, a different coinsurance percentage and different covered costs
16 and deductible aggregate amounts from those specified in subds. 1. to 3. in
17 accordance with cost containment provisions established by the department under
18 s. 149.17 (4).

19 **SECTION 2272.** 149.15 (3) (intro.) of the statutes is amended to read:

20 149.15 (3) (intro.) The board shall ~~de~~ advise the department on all of the
21 following:

22 **SECTION 2273.** 149.15 (3) (a) of the statutes is amended to read:

23 149.15 (3) (a) ~~Establish~~ Establishing procedures under which applicants and
24 participants may have grievances reviewed by an impartial body and reported to the
25 board.

SENATE BILL 45**SECTION 2274**

1 **SECTION 2274.** 149.15 (3) (c) of the statutes is amended to read:

2 149.15 (3) (c) ~~Collect~~ Determining assessments to be collected from all insurers
3 to provide for claims paid under the plan and for administrative expenses incurred
4 or estimated to be incurred during the period for which the assessment is made. The
5 level of payments shall be established as provided under s. 149.143. Assessment of
6 the insurers shall occur at the end of each calendar year or other fiscal year end
7 established by the board. Assessments are due and payable within 30 days of receipt
8 by the insurer of the assessment notice.

9 **SECTION 2275.** 149.15 (3) (d) of the statutes is amended to read:

10 149.15 (3) (d) ~~Develop and implement~~ Developing and implementing a
11 program to publicize the existence of the plan, the eligibility requirements and
12 procedures for enrollment, and to maintain public awareness of the plan.

13 **SECTION 2276.** 149.15 (3) (e) of the statutes is amended to read:

14 149.15 (3) (e) ~~Establish~~ Establishing for payment of covered expenses, a
15 payment rate that is 10% less than the charges approved by the plan administrator
16 for reimbursement of covered expenses under s. 149.14 (3).

17 **SECTION 2277.** 149.15 (3) (f) of the statutes is amended to read:

18 149.15 (3) (f) ~~Advise the department on the~~ The choice of coverage under s.
19 149.146.

20 **SECTION 2278.** 149.165 (4) of the statutes is amended to read:

21 149.165 (4) The department shall reimburse the plan for premium reductions
22 under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the
23 appropriation under s. 20.435 ~~(5)~~ (4) (ah).

24 **SECTION 2279.** 150.84 (2) of the statutes is amended to read:

SENATE BILL 45**SECTION 2279**

1 150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or
2 any hospital, nursing home, community-based residential facility, county home,
3 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
4 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
5 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
6 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

7 **SECTION 2280.** 153.05 (6m) of the statutes is amended to read:

8 153.05 (6m) The department may contract with the group insurance board for
9 the provision of data collection and analysis services related to health maintenance
10 organizations and insurance companies that provide health insurance for state
11 employees. The department shall establish contract fees for the provision of the
12 services. All moneys collected under this subsection shall be credited to the
13 appropriation under s. 20.435 ~~(1)~~ (4) (hg).

14 **SECTION 2281.** 153.60 (1) of the statutes is amended to read:

15 153.60 (1) The department shall, by the first October 1 after the
16 commencement of each fiscal year, estimate the total amount of expenditures under
17 this chapter for the department and the board for that fiscal year for data collection,
18 data base development and maintenance, generation of data files and standard
19 reports, orientation and training provided under s. 153.05 (9) and maintaining the
20 board. The department shall assess the estimated total amount for that fiscal year
21 less the estimated total amount to be received for purposes of administration of this
22 chapter under s. 20.435 ~~(1)~~ (4) (hi) during the fiscal year, the unencumbered balance
23 of the amount received for purposes of administration of this chapter under s. 20.435
24 ~~(1)~~ (4) (hi) from the prior fiscal year and the amount in the appropriation account
25 under s. 20.435 (1) (dg) for the fiscal year, to health care providers who are in a class

SENATE BILL 45**SECTION 2281**

1 of health care providers from whom the department collects data under this chapter
2 in a manner specified by the department by rule. The department shall obtain
3 approval from the board for the amounts of assessments for health care providers
4 other than hospitals and ambulatory surgery centers. The department shall work
5 together with the department of regulation and licensing to develop a mechanism for
6 collecting assessments from health care providers other than hospitals and
7 ambulatory surgery centers. No health care provider that is not a facility may be
8 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each
9 hospital shall pay the assessment on or before December 1. All payments of
10 assessments shall be deposited in the appropriation under s. 20.435 ~~(1)~~ (4) (hg).

11 **SECTION 2282.** 153.60 (3) of the statutes is amended to read:

12 153.60 **(3)** The department shall, by the first October 1 after the
13 commencement of each fiscal year, estimate the total amount of expenditures
14 required for the collection, database development and maintenance and generation
15 of public data files and standard reports for health care plans that voluntarily agree
16 to supply health care data under s. 153.05 (6r). The department shall assess the
17 estimated total amount for that fiscal year to health care plans in a manner specified
18 by the department by rule and may enter into an agreement with the office of the
19 commissioner of insurance for collection of the assessments. Each health plan that
20 voluntarily agrees to supply this information shall pay the assessments on or before
21 December 1. All payments of assessments shall be deposited in the appropriation
22 under s. 20.435 ~~(1)~~ (4) (hg) and may be used solely for the purposes of s. 153.05 (6r).

23 **SECTION 2283.** 153.65 of the statutes is amended to read:

24 **153.65 Provision of special information; user fees.** The department may,
25 but is not required to, provide, upon request from a person, a data compilation or a

SENATE BILL 45**SECTION 2283**

1 special report based on the information collected by the department. The
2 department shall establish user fees for the provision of these compilations or
3 reports, payable by the requester, which shall be sufficient to fund the actual
4 necessary and direct cost of the compilation or report. All moneys collected under
5 this section shall be credited to the appropriation under s. 20.435 ~~(1)~~ (4) (hi).

6 **SECTION 2284.** 155.01 (6) of the statutes is amended to read:

7 155.01 **(6)** "Health care facility" means a facility, as defined in s. 647.01 (4), or
8 any hospital, nursing home, community-based residential facility, county home,
9 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
10 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
11 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
12 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

13 **SECTION 2285.** 160.255 of the statutes is amended to read:

14 **160.255 Exceptions for private certain sewage systems.** (1) In this
15 section, "~~private exempt~~ sewage system" ~~has the meaning given~~ means a small
16 sewage system, as defined in s. 145.01 ~~(12)~~ (14m), or a sewage system that is in
17 existence on January 1, 2000, and that would be a small sewage system except that
18 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

19 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not
20 required to promulgate or amend rules that define design or management criteria
21 for ~~private exempt~~ sewage systems to minimize the amount of nitrate in
22 groundwater or to maintain compliance with the preventive action limit for nitrate.

23 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules
24 that define design or management criteria for ~~private exempt~~ sewage systems that

SENATE BILL 45**SECTION 2285**

1 permit the enforcement standard for nitrate to be attained or exceeded at the point
2 of standards application.

3 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
4 promulgate rules that set forth responses that the agency may take, or require to be
5 taken, when the preventive action limit or enforcement standard for nitrate is
6 attained or exceeded at the point of standards application if the source of the nitrate
7 is a ~~private~~ an exempt sewage system.

8 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required
9 to take any responses for a specific site at which the preventive action limit or
10 enforcement standard for nitrate is attained or exceeded at the point of standards
11 application if the source of the nitrate is a ~~private~~ an exempt sewage system.

12 **SECTION 2286.** 165.017 (5) of the statutes is repealed.

13 **SECTION 2287.** 165.25 (6) (f) of the statutes is created to read:

14 165.25 (6) (f) Except as provided under ss. 49.49 (6), 100.263, 133.16, 281.98,
15 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), 299.95 and 299.97, any money
16 that is received by the department of justice under this subsection as the result of a
17 contract or understanding between the department of justice and another state
18 agency that is approved under s. 16.505 or 16.515 or as part of the biennial budget
19 act shall be credited to the appropriation under s. 20.455 (1) (km). If authority to
20 spend the money that is received by the department of justice under this subsection
21 as the result of a contract or understanding between the department of justice and
22 another state agency is not approved under s. 16.505 or 16.515 or as part of the
23 biennial budget act, the money received shall be paid into the general fund as
24 provided under s. 20.001 (4) or 165.25 (4) (d). An agency that is not enumerated in
25 this section and that does not have a contract or understanding with the department

SENATE BILL 45**SECTION 2287**

1 of justice that is approved under s. 16.505 or 16.515 or as part of the biennial budget
2 act may not be charged for legal services provided to that agency by the department
3 of justice.

4 **SECTION 2288.** 165.76 (1) (a) of the statutes is amended to read:

5 165.76 (1) (a) Is in prison ~~or~~, a secured correctional facility, as defined in s.
6 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
7 a secured group home, as defined in s. 938.02 (15p), or on probation, extended
8 supervision, parole, supervision or aftercare supervision on or after
9 August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

10 **SECTION 2289.** 165.76 (2) (b) 2. of the statutes is amended to read:

11 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
12 correctional facility ~~or~~, a secured child caring institution or a secured group home,
13 he or she shall provide the specimen under par. (a) at the office of a county sheriff as
14 soon as practicable after release on parole, extended supervision or aftercare
15 supervision, as directed by his or her probation, extended supervision and parole
16 agent or aftercare agent, except that the department of corrections or the county
17 department under s. 46.215, 46.22 or 46.23 operating the secured group home in
18 which the person is placed may require the person to provide the specimen while he
19 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring
20 institution or secured group home.

21 **SECTION 2290.** 165.85 (5m) of the statutes is repealed.

22 **SECTION 2291.** 165.87 (1) (title) of the statutes is repealed.

23 **SECTION 2292.** 165.87 (1) (a) of the statutes is renumbered 165.87 and amended
24 to read:

SENATE BILL 45**SECTION 2292**

1 **165.87 Law enforcement training fund.** ~~Twenty-seven fifty-fifths of all~~
2 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
3 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
4 ~~(i) and utilized (kp) and (kq) shall be used~~ in accordance with ~~ss. 20.455 (2) and s.~~
5 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
6 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
7 constitute the law enforcement training fund.

8 **SECTION 2293.** 165.87 (1) (b) of the statutes is repealed.

9 **SECTION 2294.** 165.87 (1) (bn) of the statutes is repealed.

10 **SECTION 2295.** 165.87 (1) (bp) of the statutes is repealed.

11 **SECTION 2296.** 165.87 (1) (br) of the statutes is repealed.

12 **SECTION 2297.** 165.87 (1) (c) of the statutes is repealed.

13 **SECTION 2298.** 165.87 (2) of the statutes is renumbered 757.05.

14 **SECTION 2299.** 165.90 (4) (intro.) of the statutes is amended to read:

15 165.90 (4) (intro.) If the department approves a plan, the department shall
16 certify the program as eligible to receive aid under s. 20.455 (2) ~~(d) and (hn)~~ (kt). Prior
17 to January 15, of the year for which funding is sought, the department shall
18 distribute from the appropriations under s. 20.455 (2) ~~(d) and (hn)~~ (kt) to each eligible
19 program the amount necessary to implement the plan, subject to the following
20 limitations:

21 **SECTION 2300.** 165.90 (4) (a) of the statutes is amended to read:

22 165.90 (4) (a) A program may use funds received under s. 20.455 (2) ~~(d) or (hn)~~
23 (kt) only for law enforcement operations.

24 **SECTION 2301.** 165.90 (4) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 2301**

1 165.90 (4) (b) A program shall, prior to the receipt of funds under s. 20.455 (2)
2 ~~(d) or (hn)~~ (kt) for the 2nd and any subsequent year, submit a report to the
3 department regarding the performance of law enforcement activities on the
4 reservation in the previous fiscal year.

5 **SECTION 2302.** 166.15 (1) (f) of the statutes is amended to read:

6 166.15 (1) (f) “Nuclear incident” means any sudden or nonsudden release of
7 ionizing radiation, as defined under s. 254.31 (3g), from radioactive waste being
8 stored or disposed of in a waste repository or transported. “Nuclear incident” does
9 not include any release of radiation from radioactive waste being transported under
10 routine operations.

11 **SECTION 2303.** 166.20 (7g) of the statutes is repealed.

12 **SECTION 2304.** 168.12 (1) of the statutes is amended to read:

13 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
14 petroleum inspection fee at the rate of ~~3 cents per gallon~~ specified in sub. (1e) on all
15 petroleum products that are received by a supplier for sale in this state or for sale
16 for export to this state. The department of revenue shall determine when a
17 petroleum product is received under this subsection in the same manner that it
18 determines under s. 78.07 when motor vehicle fuel is received. The fee shall be paid
19 under s. 168.125 and shall be based on the number of gallons reported under s.
20 168.125.

21 **SECTION 2305.** 168.12 (1e) of the statutes is created to read:

22 168.12 (1e) (a) Except as provided in par. (b), the petroleum inspection fee is
23 3 cents per gallon.

24 (b) 1. On or before January 1 of each even-numbered year, beginning with
25 January 1, 2002, the department shall determine the total amount claimed as

SENATE BILL 45**SECTION 2305**

1 reimbursement for claims that have been submitted under s. 101.143 (3) and that are
2 unpaid as of the preceding June 30. If that total exceeds \$10,000,000, the
3 department shall increase the petroleum inspection fee, effective the following April
4 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
5 estimates will annually generate revenue equal to the amount by which the total of
6 the unpaid claims exceeds \$10,000,000.

7 2. On or before January 1 of each even-numbered year, beginning with January
8 1, 2002, the department shall determine the unencumbered balance in the petroleum
9 inspection fund as of the preceding June 30. If that balance exceeds \$10,000,000 and
10 if no revenue obligations issued under s. 101.143 (9m) are outstanding, the
11 department shall reduce the petroleum inspection fee, effective the following April
12 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
13 estimates will reduce the revenue raised annually by the fee in an amount equal to
14 \$5,000,000 or the amount by which that balance exceeds \$10,000,000, whichever is
15 greater.

16 3. The department shall notify the department of revenue of any change in the
17 petroleum inspection fee under this paragraph.

18 **SECTION 2306.** 170.12 (6) (a) of the statutes is amended to read:

19 170.12 (6) (a) The boundaries of the location where sunken logs may be raised
20 pursuant to the permit. The area covered by the permit shall be contiguous, shall
21 be contained within a single quarter section and may not exceed 160 acres. A permit
22 may not cover submerged lands that are not contained within Lake Michigan, Lake
23 Superior, Star Lake in Villas County, Boom Lake in Oneida County, Rib Lake in
24 Taylor County or the Fox River. No location may be covered by more than one permit
25 under this section.

SENATE BILL 45**SECTION 2307**

1 **SECTION 2307.** 177.01 (10) of the statutes is renumbered 177.01 (10) (a).

2 **SECTION 2308.** 177.01 (10) (b) of the statutes is created to read:

3 177.01 (10) (b) “Intangible property” does not include a credit balance issued
4 to a commercial customer account by a business association in the ordinary course
5 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held
6 by a banking organization or financial organization.

7 **SECTION 2309.** 195.28 (2) of the statutes is amended to read:

8 195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing
9 protection device which is ordered installed under sub. (1) and the cost of installing
10 any such device shall be paid by the department from the appropriations under s.
11 20.395 (2) (gj), (gr) and (gx). This subsection applies only if, prior to the order under
12 sub. (1), the secretary of transportation or the railroad grade crossings committee
13 has recommended that the office consider improvements to the railroad grade
14 crossing as provided in 1999 Wisconsin Act ... (this act), section 9150 (5), or if,
15 regardless of the recommendation concerning the crossing, the office determines
16 that immediate improvements to the crossing are necessary to protect public safety.

17 **SECTION 2310.** 196.02 (7m) of the statutes is created to read:

18 196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)
19 3., (6) or (7):

20 1. The commission may require a telecommunications utility to submit
21 information to the commission only if the commission reduces, to the extent
22 practicable, any burden on the telecommunications utility that results from
23 complying with the requirement.

24 2. A telecommunications utility is not required to provide any information to
25 the commission unless the commission certifies each of the following:

SENATE BILL 45**SECTION 2310**

1 a. The information is necessary for the commission to enforce a requirement
2 under this chapter.

3 b. The information is not unnecessarily duplicative of information that is in the
4 commission's possession.

5 (b) The commission shall promulgate rules that establish requirements and
6 procedures for making a certification specified in par. (a) 2.

7 **SECTION 2311.** 196.14 of the statutes is renumbered 196.14 (intro.) and
8 amended to read:

9 **196.14 Public record exception.** (intro.) The commission ~~may~~ shall
10 withhold from public inspection any ~~information which would~~ of the following:

11 (1) Any information that commission determines may aid a competitor of a
12 public utility in competition with the public utility.

13 **SECTION 2312.** 196.14 (2) of the statutes is created to read:

14 196.14 (2) Any information that is designated as confidential by a public utility
15 when the public utility submits the information to the commission and that the
16 public utility shows to the satisfaction of the commission may aid a competitor of the
17 public utility.

18 **SECTION 2313.** 196.19 (1m) (b) of the statutes is amended to read:

19 196.19 (1m) (b) A telecommunications utility may not offer a new
20 telecommunications service to the public without first filing a tariff for that offering
21 with the commission. A proposed tariff offering a new telecommunications service
22 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~
23 ~~the date on which the tariff is filed with the commission,~~ unless the commission,
24 either upon complaint or upon its own motion, suspends the operation of the new
25 tariff by serving written notice of the suspension on the telecommunications utility

SENATE BILL 45**SECTION 2313**

1 within 10 days after the date of filing. The notice shall include a statement of the
2 reason under par. (c) upon which the commission believes the tariff may be modified.

3 **SECTION 2314.** 196.19 (1m) (e) of the statutes is repealed.

4 **SECTION 2315.** 196.194 (3) of the statutes is created to read:

5 196.194 (3) FIRM INCREMENT CONTRACTS. (a) In this subsection:

6 1. "Control area" means an electric power system or combination of electric
7 power systems that, as determined by the commission, is subject to a common
8 automatic control scheme.

9 2. "Firm customer" means an industrial or commercial customer of a public
10 utility that is provided firm service by the public utility.

11 3. "Firm increment" means the amount by which the estimated electric usage
12 of a firm customer for a 12-month period that is determined at the beginning of the
13 period exceeds the actual electric usage of the firm customer during the period.

14 4. "Firm service" means retail electric service that a public utility may not
15 interrupt on the basis of anticipated or actual shortages of electric capacity within
16 a control area.

17 5. "Interruptible customer" means an industrial or commercial customer of a
18 public utility that is provided interruptible service by the public utility.

19 6. "Interruptible service" means retail electric service that a public utility may
20 interrupt on the basis of anticipated or actual shortages of electric capacity within
21 a control area.

22 (b) Notwithstanding ss. 196.03, 196.19, 196.20, 196.21, 196.22, 196.37, 196.60
23 and 196.604, the commission may approve the filing of a tariff that allows a firm
24 customer to enter into contracts to sell a firm increment to an interruptible customer
25 in the same control area if the commission determines that such sales by a firm

SENATE BILL 45**SECTION 2315**

1 customer will contribute to energy conservation and load management that are
2 designed to reduce the energy needs of firm customers.

3 (c) If the commission approves the filing of a tariff specified in par. (b) and a firm
4 customer provides written notice to the public utility that filed the tariff that the firm
5 customer has entered into a contract specified in par. (b) with an interruptible
6 customer, the public utility shall, for each unit of firm increment that the firm
7 customer sells to the interruptible customer under the contract, do each of the
8 following for the duration of the contract period:

9 1. Reduce the amount of firm service that it provides to the firm customer by
10 the amount of each unit and provide interruptible service to the firm customer in the
11 amount of each unit.

12 2. Provide firm service to the interruptible customer in amount equal to 80%
13 of each unit.

14 (d) A notice under par. (c) shall describe the terms of a contract specified in par.
15 (b), including the duration of the contract period.

16 (e) The commission shall promulgate rules establishing requirements and
17 procedures for sales of firm increment under a tariff approved under par. (b),
18 including requirements for determining an amount of firm increment.

19 **SECTION 2316.** 196.218 (1) (a) and (b) of the statutes are repealed.

20 **SECTION 2317.** 196.218 (3) (a) 3. of the statutes is amended to read:

21 196.218 (3) (a) 3. The commission shall designate the method by which the
22 contributions under this paragraph shall be calculated and collected. The method
23 shall ensure that the contributions are sufficient to generate the amounts
24 appropriated necessary to fully fund the appropriations under ss. 20.155 (1) (q),
25 20.275 (1) (s), (t) and (tm) and 20.285 (1) (q). Contributions may be based only on the

SENATE BILL 45**SECTION 2317**

1 gross operating revenues from the provision of broadcast services identified by the
2 commission under subd. 2. and on intrastate telecommunications services in this
3 state of the telecommunications providers subject to the contribution.

4 **SECTION 2318.** 196.218 (4r) (title) of the statutes is renumbered 44.73 (title).

5 **SECTION 2319.** 196.218 (4r) (a) (intro.) of the statutes is repealed.

6 **SECTION 2320.** 196.218 (4r) (a) 1. of the statutes is renumbered 44.70 (1m).

7 **SECTION 2321.** 196.218 (4r) (a) 2. and 2m. of the statutes are renumbered 44.70
8 (3g) and (3j).

9 **SECTION 2322.** 196.218 (4r) (a) 3. of the statutes is renumbered 44.70 (6).

10 **SECTION 2323.** 196.218 (4r) (b) of the statutes is renumbered 44.73 (1) and
11 amended to read:

12 44.73 (1) The ~~commission board~~, in consultation with the department and the
13 board, shall promulgate rules establishing an educational telecommunications
14 access program to provide school districts, private schools, cooperative educational
15 service agencies, technical college districts, private colleges and public library
16 boards educational agencies with access to data lines and video links.

17 **SECTION 2324.** 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the statutes are
18 renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

19 44.73 (2) (intro.) The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
20 the following:

21 (a) Allow a ~~school district, private school, cooperative educational service~~
22 ~~agency, technical college district, private college and public library board~~ an
23 educational agency to make a request to the board for access to either one data line
24 or one video link, except that if any educational agency may request access to
25 additional data lines if the agency shows to the satisfaction of the board that the

SENATE BILL 45**SECTION 2324**

1 additional data lines are more cost-effective than a single data line and except that
2 a school district that operates more than one high school the rules shall allow the
3 school district to may request access to both a data line and a video link and to request
4 access to more than one data line or video link. ~~The board shall forward requests~~
5 ~~received under this subdivision to the commission and the department.~~

6 (b) Establish eligibility requirements for a ~~school district, private school,~~
7 ~~cooperative educational service agency, technical college district, private college and~~
8 ~~public library board~~ an educational agency to participate in the program established
9 under par. (b). ~~The requirements shall prohibit a participant in the program from~~
10 ~~receiving assistance from the universal service fund for the purpose specified in sub.~~
11 ~~(5) (a) 3. for educational telecommunications access that is substantially similar to~~
12 ~~the access provided to the participant under the program~~ sub. (1).

13 (c) Establish specifications for a data line ~~or lines and~~ video link that links for
14 which access is provided to a ~~school district, private school, cooperative educational~~
15 ~~service agency, technical college district, private college and public library board~~ an
16 educational agency under the program established under par. (b) sub. (1).

17 (d) Require a ~~school district, private school, cooperative educational service~~
18 ~~agency, technical college district, private college and public library board~~ an
19 educational agency to pay the department not more than \$250 per month for each
20 data line or video link that is provided to the ~~school district, private school,~~
21 ~~cooperative educational service agency, technical college district, private college and~~
22 ~~public library board~~ educational agency under the program established under par.
23 ~~(b) sub. (1),~~ except that the charge may not exceed \$100 per month for each data line
24 or video link that relies on a transport medium that operates at a speed of 1.544
25 megabits per second.

SENATE BILL 45**SECTION 2325**

1 **SECTION 2325.** 196.218 (4r) (c) 5. of the statutes is renumbered 44.73 (2) (e).

2 **SECTION 2326.** 196.218 (4r) (d) of the statutes is renumbered 44.73 (3) and
3 amended to read:

4 44.73 (3) The ~~commission~~ board shall submit an annual report to the ~~board~~
5 department on the status of providing data lines and video links that are requested
6 under ~~par. (c) 1.~~ sub. (2) (a) and the impact on the universal service fund of any
7 payment under ~~sub. (5) (a) 5.~~ contracts under s. 16.974 (7).

8 **SECTION 2327.** 196.218 (4r) (e) of the statutes is renumbered 44.73 (4) and
9 amended to read:

10 44.73 (4) If the federal communications commission promulgates or modifies
11 rules that provide rate discounts for telecommunications services to ~~school districts,~~
12 ~~private schools, cooperative educational service agencies, technical college districts,~~
13 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the
14 governor shall submit a report to the joint committee on finance that includes any
15 recommended changes to statutes or rules with respect to funding the program
16 established under ~~par. (b)~~ sub. (1).

17 **SECTION 2328.** 196.218 (4r) (f) of the statutes is renumbered 44.73 (5) and
18 amended to read:

19 44.73 (5) Notwithstanding ~~pars. (b) and (c)~~ subs. (1) and (2), technical college
20 districts are not eligible to participate in the program established under ~~par. (b)~~ sub.
21 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
22 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
23 under s. 20.275 (1) (~~s~~) (t) to include technical college districts in the program
24 established under ~~par. (b)~~ sub. (1). If the board determines that there are sufficient

SENATE BILL 45**SECTION 2328**

1 moneys, technical college districts are eligible to participate in the program
2 established under ~~par. (b) sub. (1)~~ beginning on April 1, 1998.

3 **SECTION 2329.** 196.218 (4r) (g) of the statutes is renumbered 44.73 (6) and
4 amended to read:

5 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
6 award an annual grant to a school district or private school that had in effect on
7 October 14, 1997, a contract for access to a data line or video link, as documented by
8 the ~~commission~~ board. The board shall determine the amount of the grant, which
9 shall be equal to the cost incurred by the state to provide telecommunications access
10 to a school district or private school under a contract entered into under s. 16.974 (7)
11 (a) or (c) less the amount that the school district or private school would be paying
12 under ~~par. (e) 4. sub. (2) (d)~~ if the school district or private school were participating
13 in the program established under ~~par. (b) sub. (1)~~, except that the amount may not
14 be greater than the cost that a school district or private school incurs under the
15 contract in effect on October 14, 1997. A school district or private school receiving
16 a grant under this ~~paragraph subsection~~ is not eligible to participate in the program
17 under ~~par. (b) sub. (1)~~. No grant may be awarded under this ~~paragraph subsection~~
18 after June 30, 2002.

19 **SECTION 2330.** 196.218 (5) (a) 3. of the statutes is repealed.

20 **SECTION 2331.** 196.218 (5) (a) 5. of the statutes is amended to read:

21 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
22 the extent that these costs are not paid under ~~sub. (4r) (e) 4. s. 44.73 (2) (d)~~, except
23 that no moneys in the universal service fund may be used to pay installation costs
24 that are necessary for a political subdivision to obtain access to bandwidth under a
25 shared service agreement under s. 44.73 (2r) (a).

SENATE BILL 45**SECTION 2332**

1 **SECTION 2332.** 196.218 (5) (a) 7. of the statutes is amended to read:

2 196.218 (5) (a) 7. To make grants awarded by the technology for educational
3 achievement in Wisconsin board to school districts and private schools under sub-
4 ~~(4r) (g) s. 44.73 (6)~~. This subdivision does not apply after June 30, 2002.

5 **SECTION 2333.** 196.218 (5m) of the statutes is amended to read:

6 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
7 at At least biennially, the commission shall review and revise as appropriate rules
8 promulgated under this section.

9 **SECTION 2334.** 196.218 (6) (b) of the statutes is amended to read:

10 196.218 (6) (b) The universal service fund council shall advise the commission
11 concerning the administration of this section and the content of rules promulgated
12 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
13 ~~and rules promulgated under sub. (4r) (b).~~

14 **SECTION 2335.** 196.315 of the statutes is created to read:

15 **196.315 Prohibitions in certain proceedings.** (1) No person may make
16 any filing, including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30
17 unless there is a nonfrivolous basis for doing so. A person may not make any filing,
18 including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30 unless, to
19 the best of the person's knowledge, information and belief, formed after a reasonable
20 inquiry, all of the following conditions are satisfied:

21 (a) The filing is reasonably supported by applicable law.

22 (b) The allegations and other factual contentions in the filing have evidentiary
23 support or, if specifically so identified in the filing, are likely to have evidentiary
24 support after reasonable opportunity for further investigation or discovery.

25 (c) The filing is not intended to harass any other party to the proceeding.

SENATE BILL 45**SECTION 2335**

1 (d) The filing is not intended to create a needless increase in the cost of
2 litigation.

3 **(2)** No later than 60 days after a complaint is filed under s. 196.26 or 196.30,
4 the commission shall determine whether the complaint has been filed in violation of
5 sub. (1). If, after notice and opportunity for hearing, the commission determines
6 under this subsection that a person has filed a complaint in violation of sub. (1), the
7 commission shall terminate the proceeding on the complaint and proceed under sub.
8 (4).

9 **(3)** If, at any time during a proceeding under s. 196.26, 196.28 or 196.30, the
10 commission determines, after notice and reasonable opportunity to be heard, that a
11 person has made a filing in violation of sub. (1), including the filing of a complaint,
12 the commission shall proceed under sub. (4).

13 **(4)** If the commission determines that a person has violated sub. (1), the
14 commission shall order the person to pay to any party to the proceeding the amount
15 of reasonable expenses incurred by that party because of the filing, including
16 reasonable attorney fees, and the commission may directly assess a forfeiture
17 against the person of not less than \$25 nor more than \$5,000. A person against whom
18 the commission assesses a forfeiture under this subsection shall pay the forfeiture
19 to the commission within 10 days after receipt of notice of the assessment or, if the
20 person petitions for judicial review under ch. 227, within 10 days after receipt of the
21 final decision after exhaustion of judicial review. The commission shall remit all
22 forfeitures paid under this subsection to the state treasurer for deposit in the school
23 fund. The attorney general may bring an action in the name of the state to collect
24 any forfeiture assessed by the commission under this subsection that has not been

SENATE BILL 45**SECTION 2335**

1 paid as provided in this subsection. The only contestable issue in such an action is
2 whether or not the forfeiture has been paid.

3 **SECTION 2336.** 196.77 of the statutes is amended to read:

4 **196.77 Promotional rates.** Except as provided in this section, nothing in this
5 chapter prohibits a telecommunications utility from filing a tariff to make a limited
6 offering of promotional rates. A promotional rate under this section shall take effect
7 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~
8 ~~date the tariff is filed with the commission~~ unless the commission authorizes an
9 earlier effective date or suspends the tariff within 10 days after the date on which
10 it is filed. The commission may suspend a tariff if it believes that the tariff violates
11 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall
12 investigate and resolve the matter within 60 days after the date on which the tariff
13 is suspended or the tariff shall be effective as filed.

14 **SECTION 2337.** 214.01 (1) (im) of the statutes is amended to read:

15 214.01 (1) (im) "Division" means the division of savings and loan institutions.

16 **SECTION 2338.** 214.592 of the statutes is amended to read:

17 **214.592 Financially related services tie-ins.** In any transaction conducted
18 by a savings bank, a savings bank holding company or a subsidiary of either with a
19 customer who is also a customer of any other subsidiary of any of them, the customer
20 shall be given a notice in 12-point boldface type in substantially the following form:

21 **NOTICE OF RELATIONSHIP**

22 This company, ... (insert name and address of savings bank, savings bank
23 holding company or subsidiary), is related to ... (insert name and address of savings
24 bank, savings bank holding company or subsidiary) of which you are also a customer.

SENATE BILL 45**SECTION 2338**

1 You may not be compelled to buy any product or service from either of the above
2 companies or any other related company in order to participate in this transaction.

3 If you feel that you have been compelled to buy any product or service from
4 either of the above companies or any other related company in order to participate
5 in this transaction, you should contact the management of either of the above
6 companies at either of the above addresses or the division of savings and loan
7 institutions at (insert address).

8 **SECTION 2339.** 215.01 (6) of the statutes is amended to read:

9 215.01 (6) "Division" means the division of savings and loan institutions.

10 **SECTION 2340.** 215.02 (title) of the statutes is amended to read:

11 **215.02** (title) **Division of savings and loan institutions.**

12 **SECTION 2341.** 215.141 of the statutes is amended to read:

13 **215.141 Financially related services tie-ins.** In any transaction conducted
14 by an association, a savings and loan holding company or a subsidiary of either with
15 a customer who is also a customer of any other subsidiary of any of them, the
16 customer shall be given a notice in 12-point boldface type in substantially the
17 following form:

18 **NOTICE OF RELATIONSHIP**

19 This company, (insert name and address of association, savings and loan
20 holding company or subsidiary), is related to (insert name and address of
21 association, savings and loan holding company or subsidiary) of which you are also
22 a customer. You may not be compelled to buy any product or service from either of
23 the above companies or any other related company in order to participate in this
24 transaction.

SENATE BILL 45**SECTION 2341**

1 If you feel that you have been compelled to buy any product or service from
2 either of the above companies or any other related company in order to participate
3 in this transaction, you should contact the management of either of the above
4 companies at either of the above addresses or the division of savings and loan
5 institutions at (insert address).

6 **SECTION 2342.** 218.015 (7) of the statutes is amended to read:

7 218.015 (7) ~~In~~ Except as provided in s. 893.83, in addition to pursuing any other
8 remedy, a consumer may bring an action to recover for any damages caused by a
9 violation of this section. The court shall award a consumer who prevails in such an
10 action twice the amount of any pecuniary loss, together with costs, disbursements
11 and reasonable attorney fees, and any equitable relief the court determines
12 appropriate.

13 **SECTION 2343.** 220.04 (9) (a) 2. of the statutes is amended to read:

14 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust
15 company bank and any other entity which is described in s. 220.02 (2) or 221.0526
16 as under the supervision and control of the division.

17 **SECTION 2344.** 221.0303 (2) of the statutes is amended to read:

18 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
19 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or
20 participate in the acquisition, placement and operation of, at locations other than its
21 main or branch offices, customer bank communications terminals, in accordance
22 with rules established by the division. The rules of the division shall provide that
23 any such customer bank communications terminal shall be available for use, on a
24 nondiscriminatory basis, by any state or national bank and by all customers
25 designated by a bank using the terminal. This subsection does not authorize a bank

SENATE BILL 45**SECTION 2344**

1 which has its principal place of business outside this state to conduct banking
2 business in this state. The customer bank communications terminals also shall be
3 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
4 association or savings bank, if the credit union, savings and loan association or
5 savings bank requests to share its use, subject to rules jointly established by the
6 division of banking, the office of credit unions and the division of savings and loan
7 institutions. The division by order may authorize the installation and operation of
8 a customer bank communications terminal in a mobile facility, after notice and
9 hearing upon the proposed service stops of the mobile facility.

10 **SECTION 2345.** 221.0321 (5) of the statutes is amended to read:

11 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
12 assignment or transfer of stock certificates or other evidence of the borrower's
13 ownership interest in a corporation formed for the cooperative ownership of real
14 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
15 involving a one-family residence, apply to a proceeding to enforce the lender's rights
16 in security given for a loan under this subsection. The division shall promulgate joint
17 rules with the office of credit unions and the division of savings and loan institutions
18 that establish procedures for enforcing a lender's rights in security given for a loan
19 under this subsection.

20 **SECTION 2346.** Chapter 222 of the statutes is created to read:

CHAPTER 222**UNIVERSAL BANKS****SUBCHAPTER I****GENERAL PROVISIONS**

SENATE BILL 45**SECTION 2346**

1 **222.0101 Title.** This chapter may be cited as the “Wisconsin universal bank
2 law”.

3 **222.0102 Definitions.** In this chapter:

4 (1) “Adequately capitalized” has the meaning given in 12 USC 1831o (b) (1) (B).

5 (2) “Capital” of a universal bank means the sum of the following, less the
6 amount of intangible assets that is not considered to be qualifying capital by a deposit
7 insurance corporation or the division:

8 (a) For a universal bank organized as a stock organization, the universal bank’s
9 capital stock, preferred stock, undivided profits, surplus, outstanding notes and
10 debentures approved by the division, other forms of capital designated as capital by
11 the division and other forms of capital considered to be qualifying capital of the
12 universal bank by a deposit insurance corporation.

13 (b) For a universal bank organized as a mutual organization, the universal
14 bank’s net worth, undivided profits, surplus, outstanding notes and debentures
15 approved by the division, other forms of capital designated as capital by the division
16 and other forms of capital considered to be qualifying capital by a deposit insurance
17 corporation.

18 (3) “Deposit insurance corporation” means the Federal Deposit Insurance
19 Corporation or other instrumentality of, or corporation chartered by, the United
20 States that insures deposits of financial institutions and that is supported by the full
21 faith and credit of the U.S. government as stated in a congressional resolution.

22 (4) “Division” means the division of banking.

23 (5) “Financial institution” means a state savings bank organized under ch. 214,
24 state savings and loan association organized under ch. 215 or a state bank chartered
25 under ch. 221.

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1 (6) “Universal bank” means a financial institution that has been issued a
2 certificate of authority under s. 222.0205.

3 (7) “Well-capitalized” has the meaning given in 12 USC 1831o (b) (1) (A).

4 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
5 bank organized under ch. 214 remains subject to all of the requirements, duties and
6 liabilities, and may exercise all of the powers, of a savings bank, except that in the
7 event of a conflict between this chapter and those requirements, duties, liabilities or
8 powers, this chapter shall control.

9 (2) SAVINGS AND LOAN ASSOCIATIONS. A universal bank that is a savings and loan
10 association organized under ch. 215 remains subject to all of the requirements,
11 duties and liabilities, and may exercise all of the powers, of a savings and loan
12 association, except that, in the event of a conflict between this chapter and those
13 requirements, duties, liabilities or powers, this chapter shall control.

14 (3) BANKS. A universal bank that is a bank chartered under ch. 221 remains
15 subject to all of the requirements, duties and liabilities, and may exercise all of the
16 powers, of a bank, except that, in the event of a conflict between this chapter and
17 these requirements, duties, liabilities or powers, this chapter shall control.

18 **222.0105 Fees.** The division may establish such fees as it determines are
19 appropriate for documents filed with the division under this chapter and for services
20 provided by the division under this chapter.

21 **222.0107 Administration. (1) POWERS OF DIVISION.** The division shall
22 administer this chapter for all universal banks.

23 (2) RULE-MAKING AUTHORITY. The division may promulgate rules to administer
24 and carry out this chapter. The division may establish additional limits or
25 requirements on universal banks, if the division determines that the limits or

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1 requirements are necessary for the protection of depositors, members, investors or
2 the public.

3 SUBCHAPTER II

4 CERTIFICATION

5 **222.0201 Procedure.** (1) APPLICATION. A financial institution may apply to
6 become certified as a universal bank by filing a written application with the division.
7 The application shall include such information as the division may require. The
8 application shall be on such forms and in accordance with such procedures as the
9 division may prescribe.

10 (2) REVIEW BY DIVISION. An application submitted to the division shall either
11 be approved or disapproved by the division in writing within 60 days after its
12 submission to the division. The division and the financial institution may mutually
13 agree to extend the application period for an additional period of 60 days.

14 **222.0203 Eligibility.** (1) REQUIREMENTS. The division shall approve an
15 application for certification as a universal bank, if the applying financial institution
16 meets all of the following requirements:

17 (a) The financial institution is chartered or organized, and regulated, under ch.
18 214, 215 or 221 and has been in existence and continuous operation for a minimum
19 of 3 years prior to the date of the application.

20 (b) The financial institution is well-capitalized or adequately capitalized.

21 (c) The financial institution does not exhibit a combination of financial,
22 managerial, operational and compliance weaknesses that is moderately severe or
23 unsatisfactory, as determined by the division based upon the division's assessment
24 of the financial institution's capital adequacy, asset quality, management capability,
25 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

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1 (d) During the 12-month period prior to the application, the financial
2 institution has not been the subject of an enforcement action and there is no
3 enforcement action pending against the financial institution by any state or federal
4 financial institution regulatory agency, including the division.

5 (2) FAILURE TO MAINTAIN COMPLIANCE. For any period during which a universal
6 bank fails to meet the requirements under sub. (1), the division may by order limit
7 or restrict the exercise of the powers of the universal bank under this chapter.

8 **222.0205 Certificate of authority.** Upon approval of the application under
9 s. 222.0201 for certification as a universal bank, the division shall issue to the
10 applicant a certificate of authority stating that the financial institution is certified
11 as a universal bank under this chapter.

12 **222.0207 Decertification.** A financial institution that is certified as a
13 universal bank under this chapter may elect to terminate its certification upon 60
14 days' prior written notice to the division and written approval of the division. The
15 financial institution shall, as a condition to the termination, terminate its exercise
16 of all powers granted under this chapter prior to the termination of the certification.
17 Written approval of the termination by the division is void if the financial institution
18 fails to satisfy the precondition to termination under this section.

19 SUBCHAPTER III

20 ORGANIZATION

21 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
22 continue to operate under its articles of incorporation and bylaws as in effect prior
23 to certification as a universal bank or as such articles or bylaws may be subsequently
24 amended in accordance with the provisions of the chapter under which the universal
25 bank was organized or chartered.

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1 **222.0303 Name. (1) USE OF "BANK".** Notwithstanding ss. 214.035, 215.40 (1)
2 and 215.60 (1) and subject to subs. (2) and (4), a universal bank may use the word
3 "bank" in its name, without having to include the word "savings". Notwithstanding
4 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (4), a universal bank that
5 is organized under ch. 215 and that uses the word "bank" in its name in accordance
6 with this section need not include the words "savings and loan association" or
7 "savings association" in its name.

8 **(2) DISTINGUISHABILITY.** Except as provided in subs. (3) and (4), the name of the
9 universal bank shall be distinguishable upon the records of the division from all of
10 the following names:

11 (a) The name of any other financial institution organized under the laws of this
12 state.

13 (b) The name of a national bank or foreign bank authorized to transact business
14 in this state.

15 **(3) EXCEPTIONS.** A universal bank may apply to the division for authority to use
16 a name that does not meet the requirement under sub. (2). The division may
17 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
18 is met.

19 **(4) USE OF SAME NAME.** A universal bank may use a name that is used in this
20 state by another financial institution or by an institution authorized to transact
21 business in this state, if the universal bank has done any of the following:

22 (a) Merged with the other institution.

23 (b) Been formed by reorganization of the other institution.

24 (c) Acquired all or substantially all of the assets, including the name, of the
25 other institution.

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1 **222.0305 Capital and assets. (1)** CAPITAL REQUIREMENTS. Notwithstanding
2 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
3 minimum capital requirements of universal banks.

4 **(2)** CERTAIN ASSET REQUIREMENTS. Section 214.045 does not apply to universal
5 banks.

6 **222.0307 Acquisitions, mergers and asset purchases. (1)** IN GENERAL. A
7 universal bank may, with the approval of the division, purchase the assets of, merge
8 with, acquire or be acquired by any other financial institution, universal bank,
9 national bank, federally chartered savings bank or savings and loan association, or
10 by a holding company of any of these entities. Notwithstanding subch. III of ch. 214
11 and ss. 214.09 and 215.36, the approval of the division of savings institutions is not
12 required.

13 **(2)** APPLICATIONS FOR APPROVAL. An application for approval under sub. (1) shall
14 be submitted on a form prescribed by the division and accompanied by a fee
15 determined by the division. In processing and acting on applications under this
16 section the division shall apply the following standards:

17 (a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64
18 and 214.665 and subch. III of ch. 214.

19 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and
20 215.73.

21 (c) For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

SUBCHAPTER IV**POWERS**

22
23
24 **222.0401 Federal financial institution powers. (1)** IN GENERAL. Subject
25 to the limitations in this section, universal banks may exercise all powers that may

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1 be exercised, directly or indirectly through a subsidiary, by a federally chartered
2 savings bank, a federally chartered savings and loan association, a federally
3 chartered national bank or by an affiliate of such an institution.

4 **(2) REQUIRED NOTIFICATION FOR EXERCISE OF A FEDERAL POWER.** A universal bank
5 shall give 60 days' prior written notice to the division of the universal bank's
6 intention to exercise a power under this section.

7 **(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY.** The division may
8 require that certain powers exercisable by universal banks under this section be
9 exercised through a subsidiary of the universal bank with appropriate safeguards to
10 limit the risk exposure of the universal bank.

11 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
12 make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or
13 extensions of credit for any purpose.

14 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
15 person, other than a municipal corporation, to a universal bank for a loan or
16 extension of credit may not exceed 20% of the capital of the universal bank at any
17 time. In determining compliance with this section, liabilities of a partnership
18 includes the liabilities of the general partners, computed individually as to each
19 general partner on the basis of his or her direct liability.

20 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
21 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
22 following types of liabilities:

23 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by
24 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and

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1 99.03 or under the federal Bonded Warehouse Act or who hold a registration
2 certificate under ch. 127, if all of the following requirements are met:

3 1. The receipts cover readily marketable nonperishable staples.

4 2. The staples are insured, if it is customary to insure the staples.

5 3. The market value of the staples is not, at any time, less than 140% of the face
6 amount of the obligation.

7 (b) *Certain bonds or notes.* A liability in the form of a note or bond that meets
8 any of the following qualifications:

9 1. The note or bond is secured by not less than a like amount of bonds or notes
10 of the United States issued since April 24, 1917, or certificates of indebtedness of the
11 United States.

12 2. The note or bond is secured or covered by guarantees or by commitments or
13 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
14 commitment or agreement is made by a federal reserve bank, the federal small
15 business administration, the federal department of defense or the federal maritime
16 commission.

17 3. The note or bond is secured by mortgages or trust deeds insured by the
18 federal housing administration.

19 **(4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS.** (a) *Definition.* In this
20 subsection, “local governmental unit” has the meaning given in s. 16.97 (7).

21 (b) *General limitation.* Except as otherwise provided in this subsection, the
22 total liabilities of a local governmental unit to a universal bank for money borrowed
23 may not, at any time, exceed 25% of the capital of the universal bank.

24 (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local
25 governmental unit are subject to the limitations provided in par. (b). In addition, a

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1 universal bank is permitted to invest in a general obligation of that local
2 governmental unit in an amount that will bring the combined total of the general
3 obligations and revenue obligations of a single local governmental unit to a sum not
4 in excess of 50% of the capital of the universal bank.

5 (d) *General obligations.* If the liabilities of the local governmental unit are in
6 the form of bonds, notes or other evidences of indebtedness that are a general
7 obligation of a local governmental unit, the total liability of the local governmental
8 unit may not exceed 50% of the capital of the universal bank.

9 (e) *Temporary borrowings.* The total amount of temporary borrowings of any
10 local governmental unit maturing within one year after the date of issue may not
11 exceed 60% of the capital of the universal bank. Temporary borrowings and
12 longer-term general obligation borrowings of a single local governmental unit may
13 be considered separately in determining compliance with this subsection.

14 **(5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.**
15 A universal bank may purchase bonds offered for sale by the International Bank for
16 Reconstruction and Development and the Inter-American Development Bank or
17 such other foreign bonds as may be approved under rules established by the division.
18 At no time shall the aggregate investment in any of these bonds issued by a single
19 issuer exceed 10% of the capital of the universal bank.

20 **(6) FOREIGN NATIONAL GOVERNMENT BONDS.** A universal bank may purchase
21 general obligation bonds issued by any foreign national government if the bonds are
22 payable in United States funds. The aggregate investment in these foreign bonds
23 may not exceed 3% of the capital of the universal bank, except that this limitation
24 does not apply to bonds of the Canadian government and Canadian provinces that
25 are payable in United States funds.

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1 **(7) LIMITS ESTABLISHED BY BOARD.** (a) *When financial statements required.* A
2 universal bank may not make or renew a loan or loans, the aggregate total of which
3 exceeds the level established by the board of directors without being supported by a
4 signed financial statement of the borrower, unless the loan is secured by collateral
5 having a value in excess of the amount of the loan. A signed financial statement
6 furnished by the borrower to a universal bank in compliance with this paragraph
7 must be renewed annually as long as the loan or any renewal of the loan remains
8 unpaid and is subject to this paragraph.

9 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made
10 by a universal bank in compliance with par. (a), without a signed financial statement,
11 may be treated by the universal bank as entirely independent of any secured loan
12 made to the same borrower if the loan does not exceed the limitations provided in this
13 section.

14 **(8) EXCEPTIONS.** This section does not apply to any of the following:

15 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
16 is secured by not less than a like amount of direct obligations of the United States
17 which will mature not more than 18 months after the date on which such liabilities
18 to the universal bank are entered into.

19 (b) *Certain federal and state obligations or guaranteed obligations.* A liability
20 that is a direct obligation of the United States or this state, or an obligation of any
21 governmental agency of the United States or this state, that is fully and
22 unconditionally guaranteed by the United States or this state.

23 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,
24 debenture or certificate of interest of the Commodity Credit Corporation.

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1 (d) *Discounting bills of exchange or business or commercial paper.* A liability
2 created by the discounting of bills of exchange drawn in good faith against actually
3 existing values or the discounting of commercial or business paper actually owned
4 by the person negotiating the same.

5 (e) *Certain other federal or federally guaranteed obligations.* In obligations of,
6 or obligations that are fully guaranteed by, the United States and in obligations of
7 any federal reserve bank, federal home loan bank, the Student Loan Marketing
8 Association, the Government National Mortgage Association, the Federal National
9 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
10 Export-Import Bank of Washington or the Federal Deposit Insurance Corporation.

11 **(9) ADDITIONAL AUTHORITY.** (a) *In general.* In addition to the authority granted
12 under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend
13 under this subsection, through the universal bank or subsidiary of the universal
14 bank, to all borrowers from the universal bank and all of its subsidiaries, an
15 aggregate amount not to exceed 20% of the universal bank's capital. Neither a
16 universal bank nor any subsidiary of the universal bank may lend to any borrower,
17 under this subsection and any other law or rule, an amount that would result in an
18 aggregate amount for all loans to that borrower that exceeds 20% of the universal
19 bank's capital. A universal bank or its subsidiary may take an equity position or
20 other form of interest as security in a project funded through such loans. Every
21 transaction by a universal bank or its subsidiary under this subsection shall require
22 prior approval by the governing board of the universal bank or its subsidiary,
23 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,
24 for a period of 3 years from the date of each loan except as provided in par. (b).

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1 (b) *Suspension of additional authority.* The division may suspend authority
2 established under this subsection and, in such case, may specify how an outstanding
3 loan shall be treated by the universal bank or its subsidiary. Among the factors that
4 the division may consider in suspending authority under this subsection are the
5 universal bank’s capital adequacy, asset quality, earnings quantity, earnings quality,
6 adequacy of liquidity and sensitivity to market risk and the ability of the universal
7 bank’s management.

8 **222.0405 Investment powers. (1) INVESTMENT SECURITIES.** Except as
9 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite and hold
10 investment securities, consistent with safe and sound banking practices, up to 100%
11 of the universal bank’s capital. A universal bank shall not invest greater than 20%
12 of the universal bank’s capital in the investment securities of one obligor or issuer.
13 In this subsection, “investment securities” includes commercial paper, banker’s
14 acceptances, marketable securities in the form of bonds, notes, debentures and
15 similar instruments that are regarded as investment securities.

16 **(2) EQUITY SECURITIES.** Except as provided in subs. (3) to (8), a universal bank
17 may purchase, sell, underwrite and hold equity securities, consistent with safe and
18 sound banking practices, up to 20% of capital or, if approved by the division in
19 writing, a greater percentage of capital.

20 **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a
21 universal bank may invest in the initial purchase and development, or the purchase
22 or commitment to purchase after completion, of home sites and housing for sale or
23 rental, including projects for the reconstruction, rehabilitation or rebuilding of
24 residential properties to meet the minimum standards of health and occupancy
25 prescribed for a local governmental unit, the provision of accommodations for retail

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1 stores, shops and other community services that are reasonably incident to that
2 housing, or in the stock of a corporation that owns one or more of those projects and
3 that is wholly owned by one or more financial institutions. The total investment in
4 any one project may not exceed 15% of the universal bank's capital, nor may the
5 aggregate investment under this subsection exceed 50% of capital. A universal bank
6 may not make an investment under this subsection unless it is in compliance with
7 the capital requirements set by the division under s. 222.0305 (1) and with the capital
8 maintenance requirements of its deposit insurance corporation.

9 (4) PROFIT-PARTICIPATION PROJECTS. A universal bank may take equity positions
10 in profit-participation projects, including projects funded through loans from the
11 universal bank, in an aggregate amount not to exceed 20% of capital. The division
12 may suspend the investment authority under this subsection. If the division
13 suspends the investment authority under this subsection, the division may specify
14 how outstanding investments under this subsection shall be treated by the universal
15 bank or its subsidiary. Among the factors that the division may consider in
16 suspending authority under this subsection are the universal bank's capital
17 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity
18 and sensitivity to market risk and the ability of the universal bank's management.
19 This subsection does not authorize a universal bank, directly or indirectly through
20 a subsidiary, to engage in the business of underwriting insurance.

21 (5) DEBT INVESTMENTS. A universal bank may invest in bonds, notes, obligations
22 and liabilities described under s. 222.0403 (3) to (7), subject to the limitations under
23 those subsections.

24 (6) CERTAIN LIABILITIES. This section does not limit investment in the
25 liabilities described in s. 222.0403 (8).

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1 (7) CERTAIN INVESTMENTS. A universal bank may invest without limitation in
2 any of the following:

3 (a) *Business development corporations.* Stocks or obligations of a corporation
4 organized for business development by this state or by the United States or by an
5 agency of this state or the United States.

6 (b) *Urban renewal investment corporations.* Obligations of an urban renewal
7 investment corporation organized under the laws of this state or of the United States.

8 (c) *Certain bank insurance companies.* An equity interest in an insurance
9 company or an insurance holding company organized to provide insurance for
10 universal banks and for persons affiliated with universal banks, solely to the extent
11 that this ownership is a prerequisite to obtaining directors' and officers' insurance
12 or blanket bond insurance for the universal bank through the company.

13 (d) *Certain remote service unit corporations.* Shares of stock, whether
14 purchased or otherwise acquired, in a corporation acquiring, placing and operating
15 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
16 terminals under s. 221.0303 (2).

17 (e) *Service corporations.* Equity or debt securities or instruments of a service
18 corporation subsidiary of the universal bank.

19 (f) *Federal funds.* Advances of federal funds.

20 (g) *Certain risk management financial products.* With the prior written
21 approval of the division, financial futures transactions, financial options
22 transactions, forward commitments or other financial products for the purpose of
23 reducing, hedging or otherwise managing its interest rate risk exposure.

24 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
25 powers under ch. 112.

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1 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
2 a universal bank owns at least 80% of the stock of the agricultural credit corporation,
3 a universal bank may not invest more than 20% of the universal bank's capital in the
4 agricultural credit corporation.

5 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
6 obligations of any financial institution, the accounts of which are insured by a deposit
7 insurance corporation.

8 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
9 guaranteed by, the United States and stocks or obligations of any federal reserve
10 bank, federal home loan bank, the Student Loan Marketing Association, the
11 Government National Mortgage Association, the Federal National Mortgage
12 Association, the Federal Home Loan Mortgage Corporation or the Federal Deposit
13 Insurance Corporation.

14 (L) *Other investments.* Any other investment authorized by the division.

15 **(8) INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS.** In addition to the authority
16 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
17 a universal bank may invest in other financial institutions.

18 **(9) INVESTMENTS THROUGH SUBSIDIARIES.** A universal bank may make
19 investments under this section, directly or indirectly through a subsidiary, unless
20 the division determines that an investment shall be made through a subsidiary with
21 appropriate safeguards to limit the risk exposure of the universal bank.

22 **222.0407 Universal bank purchase of its own stock. (1) IN GENERAL.** A
23 universal bank may hold or purchase not more than 10% of its capital stock, notes
24 or debentures, except as provided in sub. (2) or (3).

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1 **(2) DIVISION APPROVAL.** A universal bank may hold or purchase more than 10%
2 of its capital stock, notes or debentures, if approved by the division.

3 **(3) ADDITIONAL AUTHORITY.** A universal bank may hold or purchase more than
4 10% of its capital stock, notes or debentures if the purchase is necessary to prevent
5 loss upon a debt previously contracted in good faith. Stock, notes or debentures held
6 or purchased under this subsection may not be held by the universal bank for more
7 than 6 months if the stock, notes or debentures can be sold for the amount of the claim
8 of the universal bank against the holder of the debt previously contracted. The
9 universal bank shall either sell the stock, notes or debentures within 12 months of
10 acquisition under this subsection or shall cancel the stock, notes or debentures.
11 Cancellation of the stock, notes or debentures reduces the amount of the universal
12 bank's capital stock, notes or debentures. If the reduction reduces the universal
13 bank's capital below the minimum level required by the division, the universal bank
14 shall increase its capital to the amount required by the division.

15 **(4) LOANS SECURED BY CAPITAL, SURPLUS OR DEPOSITS.** A universal bank may not
16 loan any part of its capital, surplus or deposits on its own capital stock, notes or
17 debentures as collateral security, except that a universal bank may make a loan
18 secured by its own capital stock, notes or debentures to the same extent that the
19 universal bank may make a loan secured by the capital stock, notes and debentures
20 of a holding company for the universal bank.

21 **222.0409 Stock in bank-owned banks.** With the approval of the division,
22 a universal bank may acquire and hold stock in one or more banks chartered under
23 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
24 holding companies wholly owning such a bank. Aggregate investments under this
25 section may not exceed 10% of the universal bank's capital.

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1 **222.0411 General deposit powers. (1)** IN GENERAL. A universal bank may
2 set eligibility requirements for, and establish the types and terms of, deposits that
3 the universal bank solicits and accepts. The terms set under this subsection may
4 include minimum and maximum amounts that the universal bank may accept and
5 the frequency and computation method of paying interest.

6 **(2) PLEDGE OF SECURITY FOR DEPOSITS.** Subject to the limitations of s. 221.0324
7 that are applicable to banks, a universal bank may pledge its assets as security for
8 deposits.

9 **(3) SECURITIZATION OF ASSETS.** With the approval of the division, a universal
10 bank may securitize its assets for sale to the public. The division may establish
11 procedures governing the exercise of authority granted under this subsection.

12 **(4) SAFE DEPOSIT POWERS.** A universal bank may take and receive, from any
13 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
14 money, stocks, securities, and other valuables or personal property; and rent out the
15 use of safes or other receptacles upon its premises upon such compensation as may
16 be agreed upon. A universal bank has a lien for its charges on any property taken
17 or received by it for safekeeping. If the lien is not paid within 2 years from the date
18 the lien accrues, or if property is not called for by the person depositing the property,
19 or by his or her representative or assignee, within 2 years from the date the lien
20 accrues, the universal bank may sell the property at public auction. A universal bank
21 shall provide the same notice for a sale under this subsection that is required by law
22 for sales of personal property on execution. After retaining from the proceeds of the
23 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
24 the universal bank shall pay the balance to the person depositing the property, or to
25 his or her representative or assignee.

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1 **222.0413 Other service and incidental activity powers. (1) NECESSARY**
2 OR CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a
3 universal bank may exercise all powers necessary or convenient to effect the
4 purposes for which the universal bank is organized or to further the businesses in
5 which the universal bank is lawfully engaged.

6 **(2) REASONABLY RELATED POWERS.** (a) Subject to any applicable state or federal
7 regulatory or licensing requirements, a universal bank may engage, directly or
8 indirectly through a subsidiary, in activities reasonably related or incident to the
9 purposes of the universal bank. Activities reasonably related or incident to the
10 purposes of the universal bank are those activities that are part of the business of
11 financial institutions, or closely related to the business of financial institutions, or
12 convenient and useful to the business of financial institutions, or reasonably related
13 or incident to the operation of financial institutions or are financial in nature.
14 Activities that are reasonably related or incident to the purposes of a universal bank
15 include the following:

- 16 1. Business and professional services.
- 17 2. Data processing.
- 18 3. Courier and messenger services.
- 19 4. Credit-related activities.
- 20 5. Consumer services.
- 21 6. Real estate-related services, including real estate brokerage services.
- 22 7. Insurance and related services, other than insurance underwriting.
- 23 8. Securities brokerage.
- 24 9. Investment advice.
- 25 10. Securities and bond underwriting.

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- 1 11. Mutual fund activities.
- 2 12. Financial consulting.
- 3 13. Tax planning and preparation.
- 4 14. Community development and charitable activities.
- 5 15. Debt cancellation contracts.
- 6 16. Any activities reasonably related or incident to activities under subs. 1.
- 7 to 15.

8 (b) An activity that is authorized by statute or regulation for financial
9 institutions to engage in as of the effective date of this paragraph [revisor inserts
10 date], is an activity that is reasonably related to or incident to the purposes of a
11 universal bank. An activity permitted under the Bank Holding Company Act is an
12 activity that is reasonably related to or incident to the purposes of a universal bank.
13 The list of activities reasonably related or incident to the purposes of a universal
14 bank may be expanded by the division. Any additional activity approved by the
15 division shall be authorized for all universal banks.

16 **(3) NOTICE REQUIREMENT.** A universal bank shall give 60 days' prior written
17 notice to the division of the universal bank's intention to engage in an activity under
18 this section.

19 **(4) STANDARDS FOR DENIAL.** The division may deny the authority of a universal
20 bank to engage in an activity under this section, other than those activities described
21 in sub. (2) (a) 1. to 16., if the division determines that the activity is not an activity
22 reasonably related or incident to the purposes of a universal bank, that the financial
23 institution is not well-capitalized or adequately capitalized, that the financial
24 institution is the subject of an enforcement action or that the financial institution
25 does not have satisfactory management expertise for the proposed activity.

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1 **(5) INSURANCE INTERMEDIATION.** A universal bank, or an officer or salaried
2 employe of a universal bank, may obtain a license as an insurance intermediary, if
3 otherwise qualified. A universal bank may not, directly or indirectly through a
4 subsidiary, engage in the business of underwriting insurance.

5 **(6) OTHER ACTIVITIES APPROVED BY THE DIVISION.** A universal bank may engage
6 in any other activity that is approved by rule of the division.

7 **(7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY.** A universal bank may engage
8 in activities under this section, directly or indirectly through a subsidiary, unless the
9 division determines that an activity must be conducted through a subsidiary with
10 appropriate safeguards to limit the risk exposure of the universal bank.

11 **(8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES.** The amount of the
12 investment in any one subsidiary that engages in an activity under this section may
13 not exceed 20% of capital or, if approved by the division, a higher percentage
14 authorized by the division. The aggregate investment in all subsidiaries that engage
15 in an activity under this subsection may not exceed 50% of capital or, if approved by
16 the division, a higher percentage authorized by the division.

17 **(9) OWNERSHIP OF SUBSIDIARIES.** A subsidiary that engages in an activity under
18 this section may be owned jointly, with one or more other financial institutions,
19 individuals or entities.

20 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
21 exercise trust powers in accordance with s. 221.0316.

22 **SECTION 2347.** 223.105 (3) (a) of the statutes is amended to read:

23 223.105 **(3)** (a) To assure compliance with such rules as may be established
24 under s. 220.04 (7) the division of banking, the office of credit unions and the division
25 of savings and loan institutions shall, at least once every 18 months, examine the

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1 fiduciary operations of each organization which is under its respective jurisdiction
2 and is subject to examination under sub. (2). If a particular organization subject to
3 examination under sub. (2) is not otherwise under the jurisdiction of one of the
4 foregoing agencies, such examination shall be conducted by the division of banking.

5 **SECTION 2348.** 223.105 (4) of the statutes is amended to read:

6 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
7 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
8 operations as defined in this section shall, as required by rule, notify the division of
9 banking, the office of credit unions or the division of savings and loan institutions of
10 that fact, directing the notice to the agency then exercising regulatory authority over
11 the organization or, if there is none, to the division of banking. Any organization
12 which intends to engage in fiduciary operations shall, prior to engaging in such
13 operations, notify the appropriate agency of this intention. The notifications
14 required under this subsection shall be on forms and contain information required
15 by the rules promulgated by the division of banking.

16 **SECTION 2349.** 223.105 (5) of the statutes is amended to read:

17 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of
18 savings and loan institutions or office of credit unions shall upon the failure of such
19 organization to submit notifications or reports required under this section or
20 otherwise to comply with the provisions of this section, or rules established by the
21 division of banking under s. 220.04 (7), upon due notice, order such defaulting
22 organization to cease and desist from engaging in fiduciary activities and may apply
23 to the appropriate court for enforcement of such order.

24 **SECTION 2350.** 223.105 (6) of the statutes is amended to read:

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1 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
2 unions or the division of savings and loan institutions or an organization authorized
3 by the division of banking to operate as a bank or trust company under ch. 221 or this
4 chapter, an organization may not begin activity as a fiduciary operation under this
5 section after May 12, 1992. An organization engaged in fiduciary operations under
6 this section on May 12, 1992, may continue to engage in fiduciary operations after
7 that date.

8 **SECTION 2351.** 224.30 (1) (title) of the statutes is created to read:

9 224.30 (1) (title) DEFINITION.

10 **SECTION 2352.** 224.30 (2) (title) of the statutes is created to read:

11 224.30 (2) (title) ELECTRONIC FORMS AND SIGNATURES.

12 **SECTION 2353.** 224.30 (3) of the statutes is created to read:

13 224.30 (3) ACCESS AND USE OF COMPUTER DATABASES AND SYSTEMS. The
14 department may charge members of the public a fee for accessing or using the
15 department's databases or computer systems.

16 **SECTION 2354.** 227.01 (13) (zL) of the statutes is created to read:

17 227.01 (13) (zL) Prescribes conditions of participation and terms of
18 reimbursement of providers under s. 49.45 (2) (a) 9.

19 **SECTION 2355.** 227.01 (13) (zm) of the statutes is created to read:

20 227.01 (13) (zm) Establishes guidelines for the determination of medical
21 necessity and appropriateness for the granting of prior authorization for medical
22 assistance coverage of services under s. 49.46 or 49.47.

23 **SECTION 2356.** 227.14 (1s) of the statutes is created to read:

24 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
25 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and

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1 consumer protection or the department of health and family services prepares a
2 proposed rule based on the model food code published by the federal food and drug
3 administration, the proposed rule may be in the format of the model food code.

4 **SECTION 2357.** 227.52 (5) of the statutes is amended to read:

5 227.52 (5) Decisions of the division of savings and loan institutions.

6 **SECTION 2358.** 227.53 (1) (b) 4. of the statutes is amended to read:

7 227.53 (1) (b) 4. The savings and loan review board, the division of savings and
8 loan institutions, except if the petitioner is the division of savings and loan
9 institutions, the prevailing parties before the savings and loan review board shall be
10 the named respondents.

11 **SECTION 2359.** 227.53 (1) (b) 5. of the statutes is amended to read:

12 227.53 (1) (b) 5. The savings bank review board, the division of savings and loan
13 institutions, except if the petitioner is the division of savings and loan institutions,
14 the prevailing parties before the savings bank review board shall be the named
15 respondents.

16 **SECTION 2360.** 230.08 (2) (e) 3m. of the statutes is amended to read:

17 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
18 administration determines that the federal communications commission has
19 approved the transfer of all broadcasting licenses held by the educational
20 communications board and the board of regents of the University of Wisconsin
21 System to the corporation described under s. 39.81, this subdivision does not apply
22 on and after the effective date of the last license transferred [revisor inserts date].

23 **SECTION 2361.** 230.08 (2) (e) 6. of the statutes is amended to read:

24 230.08 (2) (e) 6. Workforce development — 8 7.

25 **SECTION 2362.** 230.08 (2) (L) 2. of the statutes is amended to read:

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1 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
2 If the secretary of administration determines that the federal communications
3 commission has approved the transfer of all broadcasting licenses held by the
4 educational communications board and the board of regents of the University of
5 Wisconsin System to the corporation described under s. 39.81, this subdivision does
6 not apply on and after the effective date of the last license transferred [revisor
7 inserts date].

8 **SECTION 2363.** 230.08 (2) (u) of the statutes is repealed.

9 **SECTION 2364.** 230.08 (2) (we) of the statutes is amended to read:

10 230.08 (2) (we) Professional staff members of the educational communications
11 board authorized under s. 39.13 (2). If the secretary of administration determines
12 that the federal communications commission has approved the transfer of all
13 broadcasting licenses held by the educational communications board and the board
14 of regents of the University of Wisconsin System to the corporation described under
15 s. 39.81, this paragraph does not apply on and after the effective date of the last
16 license transferred [revisor inserts date].

17 **SECTION 2365.** 230.08 (2) (yr) of the statutes is created to read:

18 230.08 (2) (yr) The executive director of the governor’s work-based learning
19 board.

20 **SECTION 2366.** 230.08 (4) (a) of the statutes is amended to read:

21 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
22 includes all administrator positions specifically authorized by law to be employed
23 outside the classified service in each department, board or commission and the
24 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
25 “department” has the meaning given under s. 15.01 (5), “board” means the

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1 educational communications board, investment board, public defender board and
2 technical college system board and “commission” means the public service
3 commission. Notwithstanding sub. (2) (z), no division administrator position
4 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
5 service.

6 **SECTION 2367.** 230.08 (4) (am) of the statutes is created to read:

7 230.08 (4) (am) If the secretary of administration determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board and the board of regents of the
10 University of Wisconsin System to the corporation described under s. 39.81, on and
11 after the effective date of the last license transferred [revisor inserts date], “board”
12 in par. (a) means the investment board, public defender board and technical college
13 system board.

14 **SECTION 2368.** 233.24 of the statutes is created to read:

15 **233.24 Limitations on issuance of bonds.** Beginning on the effective date
16 of this section [revisor inserts date], the authority may not issue bonds for the
17 purpose of purchasing a clinic, as defined in s. 287.07 (7) (c) 1. a., or a hospital, as
18 defined in s. 50.33 (2) (a).

19 **SECTION 2369.** 233.27 of the statutes is amended to read:

20 **233.27 Limit on the amount of outstanding bonds.** The authority may not
21 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
22 are issued or the indebtedness is incurred, the aggregate principal amount of the
23 authority’s outstanding bonds, together with all indebtedness described under s.
24 233.03 (12) would exceed ~~\$50,000,000~~ \$90,000,000. Bonds issued to fund or refund
25 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding

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1 indebtedness, is not included in calculating compliance with the \$50,000,000
2 \$90,000,000 limit.

3 **SECTION 2370.** 234.04 (2) of the statutes is amended to read:

4 234.04 (2) The authority may make or participate in the making and enter into
5 commitments for the making of long-term mortgage loans to eligible sponsors of
6 housing projects for occupancy by persons and families of low and moderate income,
7 or for the making of homeownership mortgage loans or housing rehabilitation loans
8 to persons and families of low and moderate income, an applicant under s. 234.59 or
9 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
10 the determination by the authority that they are not otherwise available from
11 private lenders upon reasonably equivalent terms and conditions. The authority
12 may not make a loan to a person if ~~it receives a certification under s. 49.855 (7) that~~
13 ~~the person is delinquent in child support or maintenance payments or owes past~~
14 ~~support, medical expenses or birth expenses~~ whose name appears on the statewide
15 support lien docket under s. 49.854 (2) (b), unless the person provides to the authority
16 a payment agreement that has been approved by the county child support agency
17 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
18 (a). The authority may employ, for such compensation as it determines, the services
19 of any financial institution in connection with any loan.

20 **SECTION 2371.** 234.49 (1) (c) of the statutes is renumbered 234.49 (1) (c) (intro.)
21 and amended to read:

22 234.49 (1) (c) (intro.) “Eligible beneficiary” means a any of the following:

23 1. A person for whom the authority has not received a certification from the
24 department of workforce development under s. 49.855 (7) or a whose name does not
25 appear on the statewide support lien docket under s. 49.854 (2) (b), except that a

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1 person whose name appears on the statewide support lien docket is an “eligible
2 beneficiary” if the person provides to the authority a payment agreement that has
3 been approved by the county child support agency under s. 59.53 (5) and that is
4 consistent with rules promulgated under s. 49.858 (2) (a).

5 2. A family who or which falls within the income limits specified in par. (f).

6 **SECTION 2372.** 234.51 (2) (b) of the statutes is amended to read:

7 234.51 (2) (b) For transfer, ~~upon request, to the secretary of administration for~~
8 ~~deposit in the state general fund to the Wisconsin development reserve fund under~~
9 ~~s. 234.93,~~ to the extent that the chairperson of the authority certifies that such funds
10 are no longer required for the program.

11 **SECTION 2373.** 234.52 (2) of the statutes is amended to read:

12 234.52 (2) Subject to agreements with bondholders, the authority shall use
13 moneys in the fund solely for transfer to the housing rehabilitation loan program
14 bond redemption fund in amounts equal to losses on housing rehabilitation loans
15 owned by that fund which are not made good by federal insurance or guarantee
16 payments, and solely for the purposes described in s. 234.55 (2) (a). Any balance
17 remaining after payment or due provision for payment of all outstanding bonds
18 issued under the authority of s. 234.50 shall be transferred to the housing
19 rehabilitation loan program administration fund ~~only for the purpose of deposit in~~
20 ~~the state general fund.~~

21 **SECTION 2374.** 234.55 (3) of the statutes is amended to read:

22 234.55 (3) Any balance remaining after satisfaction of all obligations under
23 sub. (2) shall be transferred to the housing rehabilitation loan program
24 administration fund ~~only for the purpose of deposit in the state general fund.~~

25 **SECTION 2375.** 234.59 (3) (c) of the statutes is amended to read:

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1 234.59 (3) (c) The authority shall notify an eligible lender if ~~it receives a~~
2 ~~certification under s. 49.855 (7) that a person is delinquent in child support or~~
3 ~~maintenance payments or owes past support, medical expenses or birth expenses a~~
4 ~~person's name appears on the statewide support lien docket under s. 49.854 (2) (b).~~

5 An eligible lender may not make a loan to an applicant if it receives notification under
6 this paragraph concerning the applicant, unless the applicant provides to the lender
7 a payment agreement that has been approved by the county child support agency
8 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
9 (a).

10 **SECTION 2376.** 234.64 of the statutes is created to read:

11 **234.64 Biotechnology development finance company. (1)** In this section:

12 (a) "Biotechnology" means technology related to life sciences.

13 (b) "Capital participation instrument" means all of the following:

14 1. Any of the following or an option or other right to acquire any of the following:

15 a. Common or preferred capital stock.

16 b. Convertible securities.

17 c. Evidences of long-term or short-term indebtedness.

18 d. Warrants.

19 e. Subscriptions.

20 f. Partnership or membership interests.

21 2. Royalties or other lawful derivations of a capital participation instrument
22 listed under subd. 1.

23 (c) "Cost of a project" means costs associated with the design, planning and
24 implementation of a project that, in accordance with sound business and financial
25 practices, are appropriate charges to the project. The costs may include the costs of

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1 planning and design, options to buy land, feasibility or other studies, equipment,
2 seed money, construction, working capital and any other costs determined by the
3 biotechnology development finance company to be necessary to the purposes of this
4 section.

5 (d) "Project" means commercial, industrial or other economic activity that is
6 undertaken by a biotechnology company in this state.

7 (2) (a) The authority may organize and maintain a biotechnology development
8 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
9 purpose of investing in new or existing biotechnology companies in this state.

10 (b) Subject to par. (c), the biotechnology development finance company may
11 purchase a capital participation instrument of a project. The biotechnology
12 development finance company shall ensure that all of the following apply with
13 respect to a project before any investment is made in the project:

14 1. The biotechnology company has certified that the project plans conform to
15 all applicable environmental, zoning, building, planning or sanitation laws.

16 2. There is a reasonable expectation that the biotechnology company will be
17 successful.

18 3. Private industry has not provided sufficient capital required for the project.

19 4. The investment is necessary to the successful completion of the proposed
20 project because other investment in the project is unavailable in the traditional
21 capital markets, or because capital has been offered on terms that would preclude
22 the success of the project.

23 5. Provision has been made by contract for adequate reporting of financial data
24 by the project to the biotechnology development finance company. Those provisions

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1 may include a requirement for an annual or other periodic audit of the project's
2 financial records.

3 6. The proceeds of the purchase will be used solely in connection with the costs
4 of the project.

5 7. The biotechnology company is able to manage its project responsibilities.

6 (c) 1. The biotechnology development finance company may not own more than
7 49% of the voting stock or other interest in any enterprise as a result of a purchase
8 under par. (b).

9 2. The total investment by the biotechnology development finance company in
10 any one biotechnology company may not exceed \$200,000.

11 (d) The findings made by the biotechnology development finance company with
12 respect to whether a project meets the conditions under par. (b) 1. to 7. are conclusive.

13 **(3)** The authority shall enter into a contract with the biotechnology
14 development finance company. The contract shall provide that the authority may
15 make use of the services of the biotechnology development finance company and that
16 the authority shall advise, assist and provide administrative services to the
17 biotechnology development finance company. The authority shall determine the
18 type and scope of any administrative services provided by the authority to the
19 biotechnology development finance company. The authority may assign employees or
20 contract with private or state agencies to perform the administrative services. The
21 biotechnology development finance company may not engage in political activities.

22 **(4)** (a) The board of directors of the biotechnology development finance
23 company shall consist of all of the following members:

24 1. The executive director of the authority, or his or her designee.

25 2. The secretary of commerce, or his or her designee.

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- 1 3. The secretary of administration, or his or her designee.
- 2 4. The executive director of the investment board, or his or her designee.
- 3 5. The president of the University of Wisconsin System, or his or her designee.
- 4 6. The president of Forward Wisconsin, Inc., or his or her designee.
- 5 7. A representative of the state's biotechnology research community.
- 6 8. A representative of the state's biotechnology industry.
- 7 9. A representative of the state's venture capital industry.

8 (b) The members under par. (a) 7. to 9. shall serve 5-year terms and the initial
9 members under par. (a) 7. to 9. shall be appointed by the governor. The biotechnology
10 development finance company, in its bylaws, shall specify the method for electing
11 new members under par. (a) 7. to 9. and for filling vacancies.

12 (5) Annually, the biotechnology development finance company shall provide a
13 report on its activities to the appropriate standing committees of each house of the
14 legislature in the manner provided under s. 13.172 (3) and to the governor.

15 (6) The assets transferred to, and the assets and liabilities of, the biotechnology
16 development finance company shall be separate from all other assets and liabilities
17 of the state, of all political subdivisions of the state and of the authority. Neither the
18 state, any political subdivision of the state nor the authority guarantees any
19 obligation of or has any obligation to the biotechnology development finance
20 company. Neither the state, any political subdivision of the state nor the authority
21 is liable for any debt or liability of the biotechnology development finance company.

22 **SECTION 2377.** 234.65 (3) (f) of the statutes is amended to read:

23 234.65 (3) (f) ~~The authority has not received a certification under s. 49.855 (7)~~
24 ~~that the person receiving the loan is delinquent in child support or maintenance~~
25 ~~payments or owes past support, medical expenses or birth expenses~~ name of the

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1 person receiving the loan does not appear on the statewide support lien docket under
2 s. 49.854 (2) (b). The condition under this paragraph is met for a person whose name
3 does appear if the person provides to the authority a payment agreement that has
4 been approved by the county child support agency under s. 59.53 (5) and that is
5 consistent with rules promulgated under s. 49.858 (2) (a).

6 **SECTION 2378.** 234.65 (3m) of the statutes is amended to read:

7 234.65 (3m) An economic development loan may not be made unless the
8 department of commerce complies with sub. (1m) and ~~certifies that each loan~~
9 ~~complies with sub. (3).~~

10 **SECTION 2379.** 234.65 (5) (intro.) of the statutes is amended to read:

11 234.65 (5) (intro.) On or before July 1, ~~1985~~ 2000, and every July 1 thereafter,
12 ~~the department of commerce~~ authority shall submit to the chief clerk of each house
13 of the legislature, for distribution to the appropriate standing committees under s.
14 13.172 (3), a report which shall address the effects of lending under this section in
15 the following areas:

16 **SECTION 2380.** 234.83 (1) (intro.) of the statutes is amended to read:

17 234.83 (1) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES. (intro.) The
18 authority may use money from the Wisconsin development reserve fund to guarantee
19 a loan under ~~this section~~ sub. (4) (a) if all of the following apply:

20 **SECTION 2381.** 234.83 (1) (a) of the statutes is amended to read:

21 234.83 (1) (a) The borrower qualifies as an eligible borrower under sub. (2) (a)
22 or (b).

23 **SECTION 2382.** 234.83 (1m) of the statutes is created to read:

SENATE BILL 45**SECTION 2382**

1 234.83 (1m) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES AFFECTED BY
2 GAMING. The authority may use money from the Wisconsin development reserve fund
3 to guarantee a loan under sub. (4) (am) if all of the following apply:

4 (a) The borrower qualifies as an eligible borrower under sub. (2) (c).

5 (b) The loan qualifies as an eligible loan under sub. (3).

6 (c) The lender enters into an agreement under s. 234.93 (2) (a).

7 **SECTION 2383.** 234.83 (2) (a) 3. of the statutes is amended to read:

8 234.83 (2) (a) 3. ~~The authority has not received a certification under s. 49.855~~
9 ~~(7) that the owner of the business is delinquent in making child support or~~
10 ~~maintenance payments~~ name of the owner of the business does not appear on the
11 statewide support lien docket under s. 49.854 (2) (b). The condition under this
12 subdivision is met for an owner whose name does appear if the owner of the business
13 provides to the authority a payment agreement that has been approved by the county
14 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
15 under s. 49.858 (2) (a).

16 **SECTION 2384.** 234.83 (2) (c) of the statutes is created to read:

17 234.83 (2) (c) A business to which the conditions under par. (a) 1., 2. and 3. apply
18 and that is located in a county in this state, or in a county in this state that is adjacent
19 to a county in this state, in which is located a casino that is operated by a federally
20 recognized American Indian tribe or band in this state.

21 **SECTION 2385.** 234.83 (4) (am) of the statutes is created to read:

22 234.83 (4) (am) Subject to par. (b), the authority may guarantee repayment of
23 an amount of the principal of any loan eligible for a guarantee under sub. (1m). The
24 amount that may be guaranteed may not exceed 100% of the principal of the loan or
25 \$200,000, whichever is less. The authority shall establish the amount of the

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1 principal of an eligible loan that will be guaranteed, using the procedures described
2 in the agreement under s. 234.93 (2) (a). The authority may establish a single
3 amount for all guaranteed loans that do not exceed \$200,000 and a single amount for
4 all guaranteed loans that exceed \$200,000 or establish on an individual basis
5 different amounts for eligible loans that do not exceed \$200,000 and different
6 amounts for eligible loans that exceed \$200,000.

7 **SECTION 2386.** 234.83 (4) (b) of the statutes is amended to read:

8 234.83 (4) (b) Except as provided in s. 234.93 (3), the total outstanding
9 guaranteed principal amount of all loans that the authority may guarantee under
10 ~~par. (a) this section~~ may not exceed ~~\$9,900,000~~ \$21,150,000.

11 **SECTION 2387.** 234.83 (5) of the statutes is created to read:

12 234.83 (5) INTEREST SUBSIDY FOR BUSINESSES AFFECTED BY GAMING. Annually,
13 from the Wisconsin development reserve fund, the authority may pay a financial
14 institution that makes a loan to a borrower under sub. (2) (c) that is guaranteed
15 under sub. (4) (am) an amount equal to up to 3.5% of the outstanding balance of the
16 loan.

17 **SECTION 2388.** 234.88 (3) (b) of the statutes is amended to read:

18 234.88 (3) (b) Except as provided in s. 234.93 (3), the total outstanding principal
19 amount of all guaranteed loans under par. (a) may not exceed ~~\$22,500,000~~
20 \$11,250,000.

21 **SECTION 2389.** 234.90 (2) (b) of the statutes is amended to read:

22 234.90 (2) (b) The total outstanding principal amount of all loans to the
23 borrower that are guaranteed under this section will not exceed ~~\$20,000~~ \$30,000.

24 **SECTION 2390.** 234.90 (3) (d) of the statutes is amended to read:

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1 234.90 (3) (d) ~~The authority has not received a certification under s. 49.855 (7)~~
2 ~~that the farmer is delinquent in making child support or maintenance payments or~~
3 ~~owes past support, medical expenses or birth expenses~~ farmer's name does not
4 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
5 under this paragraph is met for a farmer whose name does appear if the farmer
6 provides to the authority a payment agreement that has been approved by the county
7 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
8 under s. 49.858 (2) (a).

9 **SECTION 2391.** 234.90 (3g) (c) of the statutes is amended to read:

10 234.90 (3g) (c) ~~The authority has not received a certification under s. 49.855~~
11 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
12 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
13 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
14 under this paragraph is met for a farmer whose name does appear if the farmer
15 provides to the authority a payment agreement that has been approved by the county
16 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
17 under s. 49.858 (2) (a).

18 **SECTION 2392.** 234.905 (3) (d) of the statutes is amended to read:

19 234.905 (3) (d) ~~The authority has not received a certification under s. 49.855~~
20 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
21 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
22 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
23 under this paragraph is met for a farmer whose name does appear if the farmer
24 provides to the authority a payment agreement that has been approved by the county

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1 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
2 under s. 49.858 (2) (a).

3 **SECTION 2393.** 234.91 (2) (c) of the statutes is amended to read:

4 234.91 (2) (c) The total outstanding guaranteed principal amount of all loans
5 made to the borrower that are guaranteed under this section will not exceed \$100,000
6 \$200,000, or ~~\$50,000~~ \$100,000 if any of the loans is affected by any other state or
7 federal credit assistance program.

8 **SECTION 2394.** 234.93 (1) (cm) of the statutes is created to read:

9 234.93 (1) (cm) Any moneys transferred under s. 234.51 (2) (b), or under 1999
10 Wisconsin Act (this act), section 9125 (1), from the housing rehabilitation loan
11 program administration fund.

12 **SECTION 2395.** 234.93 (1) (f) of the statutes is created to read:

13 234.93 (1) (f) To be used for guaranteeing loans under s. 234.83 (4) (am) and
14 paying interest subsidies under s. 234.83 (5), moneys appropriated to the authority
15 under s. 20.490 (5) (kp).

16 **SECTION 2396.** 234.93 (4) (a) 2. of the statutes is amended to read:

17 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
18 funds from the Wisconsin development reserve fund, except for the program under
19 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to \$4.50 of total outstanding
20 principal and outstanding guaranteed principal that the authority may guarantee
21 under all of those programs.

22 **SECTION 2397.** 234.93 (4) (a) 3. of the statutes is amended to read:

23 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
24 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding
25 guaranteed principal that the authority may guarantee under that program.

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1 **SECTION 2398.** 234.935 of the statutes is repealed.

2 **SECTION 2399.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

3 236.16 **(3)** (d) (intro.) All of the owners of all of the land adjacent to a public
4 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
5 petition the city, village, town or county that owns the public access to construct
6 shoreline erosion control measures. Subject to par. (e), the city, village, town or
7 county shall construct the requested shoreline erosion control measures or request
8 the department of natural resources to determine the need for shoreline erosion
9 control measures. Upon receipt of a request under this paragraph from a city, village,
10 town or county, the department of natural resources shall follow the procedures in
11 ~~s. 30.02 (3) and (4) sub. (3m)~~. Subject to par. (e), the city, village, town or county shall
12 construct shoreline erosion control measures as required by the department of
13 natural resources if the department of natural resources determines all of the
14 following:

15 **SECTION 2400.** 236.16 (3m) of the statutes is created to read:

16 236.16 **(3m)** NOTICE AND HEARING REQUIREMENTS. (a) Upon receipt of a request
17 for a determination under sub. (3) (d), the department of natural resources shall
18 either order a public hearing or provide notice stating that it will proceed on the
19 request without a hearing if, within 30 days after the publication of the notice, no
20 request for a hearing concerning the determination under sub. (3) (d) is received. The
21 department of natural resources shall provide the notice to the clerk of each
22 municipality in which the proposed shoreline erosion control measures are located
23 and to any other person required by law to receive notice. The department of natural
24 resources may provide notice to other persons as it considers appropriate. The
25 department of natural resources shall provide a copy of the notice to the city, village,

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1 town or county that requested the determination. The city, village, town or county
2 shall publish it as a class 1 notice under ch. 985 in a newspaper designated by the
3 department that is likely to give notice in the area affected. The city, village, town
4 or county shall file proof of publication with the department of natural resources.

5 (b) If the department of natural resources orders a public hearing, the division
6 of hearings and appeals shall mail a written notice at least 10 days before the hearing
7 to each person given a copy of the notice under par. (a) and to each person requesting
8 the hearing.

9 (c) The city, village, town or county requesting the determination shall publish
10 a class 1 notice under ch. 985 of the public hearing in a newspaper designated by the
11 department of natural resources that is likely to give notice in the area affected. The
12 city, village, town or county shall file proof of publication under this paragraph with
13 the hearing examiner at or prior to the hearing.

14 **SECTION 2401.** 252.07 (1) of the statutes is renumbered 252.07 (1m) and
15 amended to read:

16 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
17 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
18 reporting requirements specified in s. 252.05. Any laboratory that performs a test
19 receives a specimen for tuberculosis testing shall report all positive results obtained
20 by any appropriate procedure, including a procedure performed by an out-of-state
21 laboratory, to the local health officer and to the department.

22 **SECTION 2402.** 252.07 (1g) of the statutes is created to read:

23 252.07 (1g) In this section:

24 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
25 tract, capable of producing infection or disease in others as demonstrated by the

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1 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
2 radiograph and clinical findings.

3 (b) "Isolate" means a population of mycobacterium tuberculosis bacteria that
4 has been obtained in pure culture medium.

5 (c) "Isolation" means the separation from other persons of a person with
6 infectious tuberculosis in a place and under conditions that prevent the transmission
7 of the infection.

8 (d) "Suspect tuberculosis" means an illness marked by symptoms and
9 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
10 prolonged fever, hemoptysis, compatible roentgenographic findings or other
11 appropriate medical imaging findings.

12 **SECTION 2403.** 252.07 (1p) of the statutes is created to read:

13 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
14 shall also perform organism identification for mycobacterium tuberculosis complex
15 using an approved rapid testing procedure specified by the department by rule.

16 **SECTION 2404.** 252.07 (1t) of the statutes is created to read:

17 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
18 ensure that antimicrobial drug susceptibility tests are performed on the initial
19 isolate. The laboratory shall report the results of these tests to the local health officer
20 and the department.

21 **SECTION 2405.** 252.07 (2) of the statutes is amended to read:

22 252.07 (2) The department shall identify groups at risk for contracting or
23 transmitting mycobacterium tuberculosis and shall recommend the protocol for
24 screening members of those groups. ~~If necessary to prevent or control the~~
25 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~

SENATE BILL 45**SECTION 2405**

1 ~~that require screening of members of specific groups that are at risk for contracting~~
2 ~~or transmitting mycobacterium tuberculosis.~~

3 **SECTION 2406.** 252.07 (4) of the statutes is repealed.

4 **SECTION 2407.** 252.07 (5) of the statutes is amended to read:

5 252.07 (5) Upon report of any person under sub. (1) (1m) or (1t), the local health
6 officer shall at once investigate and make and enforce the necessary orders. If any
7 person does not voluntarily comply with any order made by the local health officer
8 with respect to that person, the local health officer or the department may order a
9 medical evaluation, directly observed therapy or home isolation of that person.

10 **SECTION 2408.** 252.07 (7) of the statutes is repealed.

11 **SECTION 2409.** 252.07 (8) of the statutes is created to read:

12 252.07 (8) (a) The department or a local health officer may order the
13 confinement to a facility of an individual who has a confirmed diagnosis of infectious
14 tuberculosis or suspect tuberculosis if all of the following conditions are met:

15 1. The department or local health officer notifies a court in writing of the
16 confinement.

17 2. The department or local health officer provides to the court a written
18 statement from a physician that the individual has infectious tuberculosis or suspect
19 tuberculosis.

20 3. The department or local health officer provides to the court evidence that the
21 individual has refused to follow a prescribed treatment regimen or, in the case of an
22 individual with suspect tuberculosis, has refused to undergo a medical examination
23 to confirm whether the individual has infectious tuberculosis.

24 4. In the case of an individual with a confirmed diagnosis of infectious
25 tuberculosis, the department or local health officer determines that the individual

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1 poses an imminent and substantial threat to himself or herself or to the public
2 health. The department or local health officer shall provide to the court a written
3 statement of that determination.

4 (b) If the department or local health officer orders the confinement of an
5 individual under this subsection, a law enforcement officer, or other person
6 authorized by the local public health officer, shall transport the individual, if
7 necessary, to a facility that the department or local health officer determines will
8 meet the individual's need for medical evaluation, isolation and treatment.

9 (c) No individual may be confined under this subsection for more than 72 hours,
10 excluding Saturdays, Sundays and legal holidays, without a court hearing under
11 sub. (9) to determine whether the confinement should continue.

12 **SECTION 2410.** 252.07 (9) of the statutes is created to read:

13 252.07 (9) (a) The department or a local health officer may petition any court
14 for a hearing to determine whether an individual with infectious or suspect
15 tuberculosis should be confined for longer than 72 hours in a facility where proper
16 care and treatment will be provided and spread of the disease will be prevented. The
17 department or local health officer shall include in the petition documentation that
18 demonstrates all of the following:

19 1. That the individual named in the petition has infectious tuberculosis; that
20 the individual has noninfectious tuberculosis but is at high risk of developing
21 infectious tuberculosis; or that the individual has suspect tuberculosis.

22 2. That the individual has failed to comply with the prescribed treatment
23 regimen or with any rules promulgated by the department under sub. (11); or that
24 the disease is resistant to the medication prescribed to the individual.

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1 3. That all other reasonable means of achieving voluntary compliance with
2 treatment have been exhausted and no less restrictive alternative exists; or that no
3 other medication to treat the resistant disease is available.

4 4. That the individual poses an imminent and substantial threat to himself or
5 herself or to the public health.

6 (b) The department or local health officer shall give the individual written
7 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
8 of the hearing shall include all of the following information:

9 1. The date, time and place of the hearing.

10 2. The grounds, and underlying facts, upon which confinement of the individual
11 is being sought.

12 3. An explanation of the individual's rights specified under par. (d).

13 4. The proposed actions to be taken and the reasons for each action.

14 (c) If the court orders confinement of an individual under this subsection, the
15 individual shall remain confined until the department or local health officer, with the
16 concurrence of a treating physician, determines that treatment is complete or that
17 the individual is no longer a substantial threat to himself or herself or to the public
18 health. If the individual is to be confined for more than 6 months, the court shall
19 review the confinement every 6 months.

20 (d) An individual who is the subject of a petition for a hearing under this
21 subsection has the right to appear at the hearing, the right to present evidence and
22 cross-examine witnesses and the right to be represented by adversary counsel. At
23 the time of the filing of the petition the court shall assure that the individual who is
24 the subject of the petition is represented by adversary counsel. If the individual
25 claims or appears to be indigent, the court shall refer the individual to the authority

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1 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
2 the court shall refer that child to the state public defender who shall appoint counsel
3 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
4 good cause is shown, a hearing under this subsection may be conducted by telephone
5 or live audiovisual means, if available.

6 (e) An order issued by the court under this subsection may be appealed as a
7 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
8 An appeal does not stay the order.

9 **SECTION 2411.** 252.07 (11) of the statutes is created to read:

10 252.07 (11) The department may promulgate any rules necessary for the
11 administration and enforcement of this section, including, if necessary to prevent or
12 control the transmission of mycobacterium tuberculosis, rules that require screening
13 of members of specific groups that are at risk for contracting or transmitting
14 mycobacterium tuberculosis.

15 **SECTION 2412.** 252.073 of the statutes is repealed.

16 **SECTION 2413.** 252.076 of the statutes is repealed.

17 **SECTION 2414.** 252.08 (1) of the statutes is repealed.

18 **SECTION 2415.** 252.08 (2) of the statutes is repealed.

19 **SECTION 2416.** 252.08 (3) of the statutes is renumbered 252.07 (10) and
20 amended to read:

21 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
22 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
23 not eligible for federal medicare benefits, for medical assistance under subch. V IV
24 of ch. 49 or for health care services funded by a relief block grant under subch. II of
25 ch. 49 may be reimbursed if provided by a facility contracted by the department. If

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1 the patient has private health insurance, the state shall pay the difference between
2 health insurance payments and total charges.

3 **SECTION 2417.** 252.08 (4) of the statutes is repealed.

4 **SECTION 2418.** 252.08 (5) of the statutes is repealed.

5 **SECTION 2419.** 252.08 (6) of the statutes is repealed.

6 **SECTION 2420.** 252.09 of the statutes is repealed.

7 **SECTION 2421.** 252.10 (1) of the statutes is amended to read:

8 252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~
9 ~~maintain public health dispensaries and, where necessary, branches of the~~
10 ~~dispensaries~~ A local health department may request from the department
11 certification to establish and maintain a public health dispensary for the diagnosis
12 and treatment of persons suffering from or suspected of having mycobacterium
13 tuberculosis or other pulmonary diseases. Two or more counties local health
14 departments may jointly establish, operate and maintain public health dispensaries
15 in order to serve a total population of not less than 25,000. Counties. The department
16 shall certify a local health department to establish and maintain a public health
17 dispensary if the local health department meets the standards established by the
18 department by rule. The department of health and family services may withhold,
19 suspend or revoke a certification if the local health department fails to comply with
20 any rules promulgated by the department. The department shall provide the local
21 health department with reasonable notice of the decision to withhold, suspend or
22 revoke certification. The department shall offer the local health department an
23 opportunity to comply with the rules and an opportunity for a fair hearing. Certified
24 local health departments may contract with each other for public health dispensary
25 services. The department and department of revenue shall be notified of the

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1 ~~establishment of public health dispensaries and any contracts pertaining to the~~
2 ~~dispensaries. If the provider of those services fails to comply, the department may~~
3 ~~suspend or revoke the local health department's certification.~~ The department may
4 establish, operate and maintain public health dispensaries and branches in areas of
5 the state where local authorities have not provided public health dispensaries.

6 **SECTION 2422.** 252.10 (3) of the statutes is repealed.

7 **SECTION 2423.** 252.10 (5) of the statutes is repealed.

8 **SECTION 2424.** 252.10 (6) (a) of the statutes is amended to read:

9 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual
10 or quarterly basis for the operation of public health dispensaries established and
11 maintained in accordance with this section and rules promulgated by the
12 department.

13 **SECTION 2425.** 252.10 (6) (b) of the statutes is amended to read:

14 252.10 (6) (b) ~~The state~~ department shall determine by rule the reimbursement
15 ~~for each visit~~ rate under par. (a) for services as ordered by a physician shall be \$6 or
16 ~~a greater amount prescribed in rules promulgated by the department. If an X-ray~~
17 ~~is taken, an additional \$6 or any greater amount prescribed in rules promulgated by~~
18 ~~the department will be credited. Any X-ray taken outside a facility under this~~
19 ~~section or outside a facility approved under s. 252.08 on individuals who have a~~
20 ~~significant reaction to a test for mycobacterium tuberculosis shall qualify for state~~
21 ~~aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take~~
22 ~~the place of the first X-ray eligible for reimbursement as part of a case finding and~~
23 ~~preventive program under par. (e). The administration and reading of the test for~~
24 ~~mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.~~
25 ~~Tests for mycobacterium tuberculosis given in school programs, employment health~~

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1 programs, community preventive and case finding programs are not reimbursable
2 as a clinic visit.

3 **SECTION 2426.** 252.10 (6) (c) of the statutes is repealed.

4 **SECTION 2427.** 252.10 (6) (d) of the statutes is repealed.

5 **SECTION 2428.** 252.10 (6) (e) of the statutes is repealed.

6 **SECTION 2429.** 252.10 (6) (f) of the statutes is repealed.

7 **SECTION 2430.** 252.10 (6) (g) of the statutes is amended to read:

8 252.10 (6) (g) The reimbursement by the state under pars. (a) ~~to (f)~~ and (b) shall
9 apply only to funds that the department allocates for the reimbursement under the
10 appropriation under s. 20.435 (5) (e).

11 **SECTION 2431.** 252.10 (7) of the statutes, as affected by 1997 Wisconsin Act 156,
12 is amended to read:

13 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
14 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
15 and dispensed to patients through the public health dispensaries ~~or through health~~
16 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
17 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
18 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
19 ~~speech-language pathologists or audiologists licensed under subch. II of ch. 459,~~
20 ~~speech and language pathologists licensed by the department of public instruction~~
21 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
22 or advanced practice nurse prescribers.

23 **SECTION 2432.** 252.10 (9) of the statutes is amended to read:

24 252.10 (9) Public health dispensaries shall maintain such records as are
25 required by the department to enable them to carry out their responsibilities

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1 designated in this section and in rules promulgated by the department. Records
2 shall be submitted annually to the department as soon as possible after the close of
3 each fiscal year and not later than August 15 following may be audited by the
4 department.

5 **SECTION 2433.** 252.14 (1) (d) of the statutes is amended to read:

6 252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,
7 community-based residential facility, county home, county mental health complex,
8 tuberculosis sanatorium or other place licensed or approved by the department
9 under ss. s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~
10 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
11 or 252.10.

12 **SECTION 2434.** 252.15 (1) (ab) of the statutes is amended to read:

13 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
14 responder, fire fighter, peace officer, correctional officer, person who is employed at
15 a secured correctional facility, as defined in s. 938.02 (15m), ~~or~~ at a secured child
16 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined
17 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
18 with custodial authority by the jailer or keeper, health care provider, employe of a
19 health care provider or staff member of a state crime laboratory.

20 **SECTION 2435.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

21 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
22 emergency medical technician, first responder, fire fighter, peace officer, correctional
23 officer, person who is employed at a secured correctional facility, as defined in s.
24 938.02 (15m), ~~or~~ at a secured child caring institution, as defined in s. 938.02 (15g),
25 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or

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1 keeper of a jail or person designated with custodial authority by the jailer or keeper
2 who, during the course of providing care or services to an individual; or a peace
3 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
4 designated with custodial authority by the jailer or keeper who, while searching or
5 arresting an individual or while controlling or transferring an individual in custody;
6 or a health care provider or an employe of a health care provider who, during the
7 course of providing care or treatment to an individual or handling or processing
8 specimens of body fluids or tissues of an individual; or a staff member of a state crime
9 laboratory who, during the course of handling or processing specimens of body fluids
10 or tissues of an individual; is significantly exposed to the individual may subject the
11 individual's blood to a test or a series of tests for the presence of HIV, antigen or
12 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
13 the results.

14 **SECTION 2436.** 253.07 (4) (intro.) of the statutes is amended to read:

15 253.07 (4) FAMILY PLANNING SERVICES. (intro.) From the appropriation under
16 s. 20.435 (5) (~~¶~~) (cb), the department shall allocate funds in the following amounts,
17 for the following services:

18 **SECTION 2437.** 253.08 of the statutes is amended to read:

19 **253.08 Pregnancy counseling services.** The department shall make grants
20 from the appropriation under s. 20.435 (5) (~~eg~~) (cb) to individuals and organizations
21 to provide pregnancy counseling services. For a program to be eligible under this
22 section, an applicant must demonstrate that moneys provided in a grant under s.
23 20.435 (5) (~~eg~~) (cb) will not be used to engage in any activity specified in s. 20.9275
24 (2) (a) 1. to 3.

25 **SECTION 2438.** 253.085 (2) of the statutes is amended to read:

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1 253.085 (2) In addition to the amounts appropriated under s. 20.435 (5) ~~(ev)~~
2 ~~(cb)~~, the department shall allocate \$250,000 for each fiscal year from moneys
3 received under the maternal and child health services block grant program, 42 USC
4 701 to 709, for the outreach program under this section.

5 **SECTION 2439.** 253.10 (3) (d) 1. of the statutes is amended to read:

6 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
7 a woman about public and private agencies, including adoption agencies, and
8 services that are available to provide information on family planning, as defined in
9 s. 253.07 (1) (a), including natural family planning information, to provide
10 ultrasound imaging services, to assist her if she has received a diagnosis that her
11 unborn child has a disability or if her pregnancy is the result of sexual assault or
12 incest and to assist her through pregnancy, upon childbirth and while the child is
13 dependent. The materials shall include a comprehensive list of the agencies
14 available, a description of the services that they offer and a description of the manner
15 in which they may be contacted, including telephone numbers and addresses, or, at
16 the option of the department, the materials shall include a toll-free, 24-hour
17 telephone number that may be called to obtain an oral listing of available agencies
18 and services in the locality of the caller and a description of the services that the
19 agencies offer and the manner in which they may be contacted. The materials shall
20 provide information on the availability of governmentally funded programs that
21 serve pregnant women and children. Services identified for the woman shall include
22 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
23 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
24 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
25 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,

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1 child support laws and programs and the credit for expenses for household and
2 dependent care and services necessary for gainful employment under section 21 of
3 the internal revenue code. The materials shall state that it is unlawful to perform
4 an abortion for which consent has been coerced, that any physician who performs or
5 induces an abortion without obtaining the woman's voluntary and informed consent
6 is liable to her for damages in a civil action and is subject to a civil penalty, that the
7 father of a child is liable for assistance in the support of the child, even in instances
8 in which the father has offered to pay for an abortion, and that adoptive parents may
9 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
10 include information, for a woman whose pregnancy is the result of sexual assault or
11 incest, on legal protections available to the woman and her child if she wishes to
12 oppose establishment of paternity or to terminate the father's parental rights. The
13 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
14 tone services are obtainable by pregnant women who wish to use them and shall
15 describe the services.

16 **SECTION 2440.** 253.12 of the statutes is repealed and recreated to read:

17 **253.12 Birth defect prevention and surveillance system. (1)**

18 DEFINITIONS. In this section:

19 (a) "Birth defect" means any of the following conditions affecting an infant or
20 child that occurs prior to or at birth and that requires medical or surgical
21 intervention or interferes with normal growth and development:

22 1. A structural deformation, disruption or dysplasia.

23 2. A genetic, inherited or biochemical disease.

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1 (b) "Pediatric specialty clinic" means a clinic the primary purpose of which is
2 to provide pediatric specialty diagnostic, counseling and medical management
3 services to persons with birth defects by physician subspecialist.

4 (c) "Infant or child" means a human being from birth to the age of 2 years.

5 (d) "Physician" has the meaning given in s. 448.01 (5).

6 **(2) REPORTING.** (a) Except as provided in par. (b), all of the following shall report
7 in the manner prescribed by the department under sub. (3) (a) 3. a birth defect in an
8 infant or child:

9 1. A hospital or pediatric specialty clinic in which the birth defect is diagnosed
10 in an infant or child or treatment for the birth defect is provided to the infant or child.

11 2. A physician who diagnoses the birth defect or provides treatment to the
12 infant or child for the birth defect.

13 3. A clinical laboratory that identifies a birth defect in the infant or child as the
14 result of laboratory analysis.

15 (b) No person specified under par. (a) 1. to 3. need report under par. (a) if that
16 person knows that another person specified under par. (a) 1. to 3. has already
17 reported to the department the required information with respect to the same birth
18 defect of the same infant or child.

19 (c) Upon request of the department, a physician, hospital or pediatric specialty
20 clinic shall provide to the department information contained in the medical records
21 of patients who have a confirmed or suspected birth defect diagnosis. The physician,
22 hospital or pediatric specialty clinic shall provide that information within 10
23 working days after the department requests it.

24 **(3) DEPARTMENT DUTIES AND POWERS.** (a) The department shall do all of the
25 following:

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1 1. Establish and maintain an up-to-date registry that documents the
2 diagnosis in this state of any infant or child who has a birth defect, regardless of the
3 residence of the infant or child. The department shall include in the registry
4 information that will facilitate all of the following:

5 a. Identification of risk factors for birth defects.

6 b. Investigation of the incidence, prevalence and trends of birth defects using
7 epidemiological surveys.

8 c. Development of preventive strategies to decrease the occurrence of birth
9 defects.

10 2. Specify by rule the birth defects the existence of which requires a report
11 under sub. (2) to be submitted to the department.

12 3. Specify by rule the content, format and procedures for submitting a report
13 under sub. (2).

14 (b) The department may monitor the data contained in the reports submitted
15 under sub. (2) to ensure the quality of that data and to make improvements in
16 reporting methods.

17 **(4) COUNCIL ON BIRTH DEFECT PREVENTION AND SURVEILLANCE.** The council on
18 birth defect prevention and surveillance, created under s. 15.197 (12), shall make
19 recommendations to the department regarding the establishment of a registry that
20 documents the diagnosis and treatment in the state of an infant or child who has a
21 birth defect, as required under sub. (3) (a) 1. and regarding the rules that the
22 department is required to promulgate under sub. (3) (a) 2. and 3.

23 **(5) CONFIDENTIALITY.** (a) Any information contained in a report made to the
24 department under sub. (2) that may specifically identify the subject of the report is

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1 confidential. The department may not release that confidential information except
2 to the following, under the following conditions:

3 1. The parent or guardian of an infant or child for whom a report is made under
4 sub. (2).

5 2. A local health officer, upon receipt of a written request and informed written
6 consent from the parent or guardian of the infant or child. The local health officer
7 may disclose information received under this subdivision only to the extent
8 necessary to render and coordinate follow-up care for the infant or child or to conduct
9 a health, demographic or epidemiological investigation. The local health officer shall
10 destroy all information received under this subdivision within one year after
11 receiving it.

12 3. A physician, hospital or pediatric specialty clinic reporting under sub. (2),
13 for the purpose of verification of information reported by the physician, hospital or
14 pediatric specialty clinic.

15 4. A representative of a federal or state agency upon written request and to the
16 extent that the information is necessary to perform a legally authorized function of
17 that agency, including investigation of causes, mortality, methods of prevention,
18 treatment or care of birth defects, associated diseases or disabilities. The
19 information may not include the name or address of an infant or child with a
20 condition reported under sub. (2). The department shall notify the parent or
21 guardian of an infant or child about whom information is released under this
22 subdivision, of the release. The representative of the federal or state agency may
23 disclose information received under this paragraph only as necessary to perform the
24 legally authorized function of that agency for which the information was requested.

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1 (b) The department may also release confidential information to a person
2 proposing to conduct research if all of the following conditions are met:

3 1. The person proposing to conduct the research applies in writing to the
4 department for approval to perform the research and the department approves the
5 application. The application for approval shall include a written protocol for the
6 proposed research, the person's professional qualifications to perform the proposed
7 research and any other information requested by the department.

8 2. The research is for the purpose of studying birth defects surveillance and
9 prevention.

10 3. If the research will involve direct contact with a subject of a report made
11 under sub. (2) or with any member of the subject's family, the department determines
12 that the contact is necessary for meeting the research objectives and that the
13 research is in response to a public health need or is for the purpose of or in connection
14 with birth defects surveillance or investigations sponsored and conducted by public
15 health officials. The department must also determine that the research has been
16 approved by a certified institutional review board or a committee for the protection
17 of human subjects in accordance with the regulations for research involving human
18 subjects required by the federal department of health and human services for
19 projects supported by that agency. Contact may only be made in a manner and
20 method approved by the department.

21 4. The person agrees in writing that the information provided will be used only
22 for the research approved by the department.

23 5. The person agrees in writing that the information provided will not be
24 released to any person except other persons involved in the research.

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1 6. The person agrees in writing that the final product of the research will not
2 reveal information that may specifically identify the subject of a report made under
3 sub. (2).

4 7. The person agrees in writing to any other conditions imposed by the
5 department.

6 **SECTION 2441.** 254.31 (1) (b) of the statutes is created to read:

7 254.31 (1) (b) The tailings or waste produced by the extraction or concentration
8 of uranium or thorium from any ore processed primarily for its source material
9 content.

10 **SECTION 2442.** 254.31 (2) of the statutes is created to read:

11 254.31 (2) “Decommissioning” means conducting final operational activities at
12 a nuclear facility to dismantle site structures, to decontaminate site surfaces and
13 remaining structures, to stabilize and contain residual radioactive material and to
14 carry out any other activities necessary to prepare the site for postoperational care.

15 **SECTION 2443.** 254.31 (2m) of the statutes is created to read:

16 254.31 (2m) “General license” means a license, under requirements prescribed
17 by the department by rule, to possess, use, transfer or acquire by-product material
18 or devices or equipment utilizing by-product material without the filing of a license
19 application by a person or issuance of licensing confirmation by the department.

20 **SECTION 2444.** 254.31 (3) of the statutes is renumbered 254.31 (1) (intro.) and
21 amended to read:

22 254.31 (1) (intro.) “By-product material” means any radioactive of the
23 following:

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1 (a) Radioactive material (except special nuclear material), yielded in or made
2 radioactive by exposure to the radiation incident to the process of producing or
3 utilizing special nuclear material.

4 **SECTION 2445.** 254.31 (3g) of the statutes is repealed and recreated to read:

5 254.31 (3g) “Ionizing radiation” means all radiations capable of producing ions
6 directly or indirectly in their passage through matter, including all of the following:

7 (a) Electromagnetic radiations, including X-rays and gamma rays.

8 (b) Particulate radiations, including electrons, beta particles, protons,
9 neutrons, alpha particles and other nuclear particles.

10 **SECTION 2446.** 254.31 (5) of the statutes is created to read:

11 254.31 (5) “Radiation generating equipment” means a system, manufactured
12 product or device or component part of such a product or device that, during
13 operation, is capable of generating or emitting ionizing radiation without the use of
14 radioactive material. “Radiation generating equipment” does not include a device
15 that emits nonionizing radiation.

16 **SECTION 2447.** 254.31 (6) of the statutes is amended to read:

17 254.31 (6) “Radiation installation” is any location or facility where radiation
18 ~~machines are~~ generating equipment is used or where radioactive material is
19 produced, transported, stored, disposed of or used for any purpose.

20 **SECTION 2448.** 254.31 (7) of the statutes is repealed.

21 **SECTION 2449.** 254.31 (8) of the statutes is renumbered 254.31 (9m) and
22 amended to read:

23 254.31 (9m) “Radioactive material” includes any solid, liquid or gaseous
24 substance which emits ionizing radiation spontaneously, including

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1 accelerator-produced material, by-product material, naturally occurring material,
2 source material and special nuclear material.

3 **SECTION 2450.** 254.31 (9) of the statutes is amended to read:

4 254.31 (9) "Radiation source" means a radiation ~~maehine~~ generating
5 equipment or radioactive material ~~as defined herein.~~

6 **SECTION 2451.** 254.31 (11g) of the statutes is created to read:

7 254.31 (11g) "Specific license" means a license, under requirements prescribed
8 by the department by rule, to possess, use, manufacture, produce, transfer or acquire
9 radioactive material or devices or equipment utilizing radioactive material.

10 **SECTION 2452.** 254.31 (11m) of the statutes is created to read:

11 254.31 (11m) "Transuranic" means a radioactive material having an atomic
12 number that is greater than 92.

13 **SECTION 2453.** 254.31 (12) of the statutes is amended to read:

14 254.31 (12) "X-ray tube" means any electron tube ~~which~~ that is contained in
15 a device and that is specifically designed for the conversion of electrical energy into
16 X-ray energy.

17 **SECTION 2454.** 254.33 of the statutes is amended to read:

18 **254.33 Public policy.** Since radiations and their sources can be instrumental
19 in the improvement of the health and welfare of the public if properly utilized, and
20 may be destructive or detrimental to life or health if carelessly or excessively
21 employed or may detrimentally affect the environment of the state if improperly
22 utilized, it is hereby declared to be the public policy of this state to encourage the
23 constructive uses of radiation and to prohibit and prevent exposure to radiation in
24 amounts which are or may be detrimental to health. It is further the policy for the
25 department to advise, consult and cooperate with ~~the department of commerce and~~

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1 other agencies of the state, the federal government, other states and interstate
2 agencies and with affected groups, political subdivisions and industries; and, in
3 general, to conform as nearly as possible to nationally accepted standards in the
4 promulgation and enforcement of rules.

5 **SECTION 2455.** 254.335 of the statutes is created to read:

6 **254.335 Agreements with the U.S. nuclear regulatory commission**
7 **transition.** (1) The governor may, on behalf of the state, enter into agreements with
8 the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to
9 discontinue certain federal licensing and related regulatory authority with respect
10 to by-product material, source material and special nuclear material and to assume
11 state regulatory authority.

12 (2) Any person who, on the effective date of an agreement specified under sub.
13 (1), possesses a license issued by the U.S. nuclear regulatory commission that is
14 subject to the agreement is considered to possess a specific license issued under s.
15 254.365 (1) (a) or to fulfill requirements specified for a general license under s.
16 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the
17 person from the department of a notice of expiration of the license or on the date of
18 expiration that was specified in the license issued by the U.S. nuclear regulatory
19 commission, whichever is earlier.

20 **SECTION 2456.** 254.34 (1) (intro.) of the statutes is amended to read:

21 254.34 (1) (intro.) The department and the department of commerce is the state
22 radiation control agency and shall do all of the following:

23 **SECTION 2457.** 254.34 (1) (a) of the statutes is amended to read:

24 254.34 (1) (a) ~~Formulate, adopt and enforce, amend and repeal~~ Promulgate and
25 enforce rules, including registration and licensing of sources of ionizing radiation, as

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1 may be necessary to prohibit and prevent unnecessary radiation. ~~Such exposure.~~
2 The rules may incorporate by reference the recommended standards of nationally
3 recognized bodies in the field of radiation protection and other fields of atomic energy,
4 under the procedure established by s. 227.21 (2). The rules for by-product material,
5 source material and special nuclear material may be no less stringent than the
6 requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC
7 2011 to 2114.

8 **SECTION 2458.** 254.34 (1) (c) of the statutes is renumbered 254.34 (1) (c) (intro.)
9 and amended to read:

10 254.34 (1) (c) (intro.) Develop comprehensive policies and programs for the
11 evaluation and, determination and reduction of hazards associated with the use of
12 radiation, ~~and for their amelioration.~~ that are compatible with requirements of the
13 U.S. nuclear regulatory commission for the regulation of by-product material,
14 source material and special nuclear material. The department shall maintain all of
15 the following records:

16 **SECTION 2459.** 254.34 (1) (c) 1. of the statutes is created to read:

17 254.34 (1) (c) 1. Files of all license applications, issuances, denials, transfers,
18 renewals, modifications, suspensions and revocations under s. 254.365.

19 **SECTION 2460.** 254.34 (1) (c) 2. of the statutes is created to read:

20 254.34 (1) (c) 2. Files of all registrants under s. 254.35 and any related
21 administrative or judicial action.

22 **SECTION 2461.** 254.34 (2) (intro.) of the statutes is amended to read:

23 254.34 (2) (intro.) ~~The department, serving as the lead agency, and the~~
24 ~~department of commerce~~ may:

25 **SECTION 2462.** 254.34 (4) of the statutes is renumbered 254.34 (1) (h) 5.

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1 **SECTION 2463.** 254.345 of the statutes is created to read:

2 **254.345 Assessment of Fee. (1)** The department may annually assess a fee
3 of 36% of the U.S. nuclear regulatory commission license application fee and
4 materials license annual fee, for any licensee of the U.S. nuclear regulatory
5 commission in this state. The fee amounts shall be used by the department for the
6 department's activities under this subchapter. The department may revise the fee
7 amounts by rule.

8 **(2)** This section does not apply after December 31, 2002.

9 **SECTION 2464.** 254.35 (1) of the statutes is amended to read:

10 254.35 **(1) APPLICATION.** ~~Every~~ For every site in this state ~~having that has an~~
11 ionizing radiation installation, ~~that is~~ not exempted by this section or the rules of the
12 department shall be registered by the department by January 1, 1964, by, the person
13 in control of an the installation, including installations in sites that are administered
14 by a state agency or in an institution under the jurisdiction of a state agency, ~~and no~~
15 ~~such shall, prior to operation, register the ionizing radiation installation with the~~
16 department. No ionizing radiation installation may be operated thereafter unless
17 the site has been duly registered by January 1 of each year and a notice of the
18 registration is possessed by the person in control. ~~Every site having an ionizing~~
19 ~~radiation installation established in this state after July 20, 1985, shall be registered~~
20 ~~prior to its operation.~~ The application for registration shall be made on forms
21 provided by the department which shall be devised to obtain any information that
22 is considered necessary for evaluation of hazards. Multiple radiation sources at a
23 single radiation installation and under the control of one person shall be listed on a
24 single registration form. Registration fees shall be levied in accordance with sub. (3).
25 Registration alone ~~shall~~ does not imply approval of manufacture, storage, use,

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1 handling, operation or disposal of the radiation installation or radioactive materials,
2 but ~~shall serve~~ erves merely to inform the department of the location and character
3 of radiation sources. ~~The department shall furnish the department of commerce with~~
4 ~~a copy of each amended and new registration.~~ Persons engaged in manufacturing,
5 demonstration, sale, testing or repair of radiation sources ~~shall not be~~ are not
6 required to list such sources on the registration form.

7 **SECTION 2465.** 254.35 (2) of the statutes is amended to read:

8 254.35 (2) AMENDED REGISTRATION. If the person in control increases the
9 number of sources, source strength, rated output or energy of radiation produced in
10 any installation, he or she shall notify the department of the increase prior to
11 operation on the revised basis. The department shall record the change in the
12 registration. No registration is transferable from one premises to another or from
13 one person to another. If the person in control ~~transfers~~ intends to transfer control
14 of ownership of the radiation installation to another person ~~the registration also~~
15 ~~transfers to the other person, who, at least 15 days before the final transfer the~~
16 registrant shall notify the department of the transfer ~~within 15 days.~~ ~~The~~
17 ~~department shall record the change in the~~ and the intended transferee shall file
18 under sub. (1) an application for registration. If any installation is discontinued, the
19 person in control shall notify the department within 30 days of the discontinuance.

20 **SECTION 2466.** 254.35 (3) (title) of the statutes is amended to read:

21 254.35 (3) (title) ~~FEES~~ REGISTRATION FEES.

22 **SECTION 2467.** 254.35 (3) (a) of the statutes is amended to read:

23 254.35 (3) (a) An annual registration fee under pars. (b) to (f) ~~(fm)~~ (fm) shall be
24 levied for each site registration under this section. An additional penalty fee of \$10
25 \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be

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1 required for each registration whenever the annual fee for renewal is not paid prior
2 to expiration of the registration. No additional fee may be required for recording
3 changes in the registration information.

4 **SECTION 2468.** 254.35 (3) (b) of the statutes is amended to read:

5 254.35 (3) (b) For a medical site having an ionizing radiation installation
6 serving physicians and clinics, osteopaths and clinics, and chiropractors or hospitals
7 that possesses radioactive materials in any quantity, the fee shall be at least \$25 \$36
8 for each site and at least \$30 \$44 for each X-ray tube.

9 **SECTION 2469.** 254.35 (3) (c) of the statutes is amended to read:

10 254.35 (3) (c) For a ~~chiropractic~~, podiatric or veterinary site having an ionizing
11 radiation installation, the fee shall be at least \$25 \$36 for each site and at least \$30
12 \$44 for each X-ray tube.

13 **SECTION 2470.** 254.35 (3) (d) of the statutes is amended to read:

14 254.35 (3) (d) For a dental site having an ionizing radiation installation, the
15 fee shall be at least \$25 \$36 for each site and at least \$20 \$30 for each X-ray tube.

16 **SECTION 2471.** 254.35 (3) (f) of the statutes is amended to read:

17 254.35 (3) (f) For an industrial, school, research project or other site having an
18 ionizing radiation installation ~~and radioactive materials in any quantity~~, the fee
19 shall be at least \$25 \$36 for each site and at least \$30 \$44 for each X-ray tube.

20 **SECTION 2472.** 254.35 (3) (fm) of the statutes is created to read:

21 254.35 (3) (fm) For any site that has generally licensed devices that are not
22 exempted by the department, the fee shall be at least \$100 for each site and at least
23 \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq
24 or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi
25 of a transuranic.

SENATE BILL 45**SECTION 2473**

1 **SECTION 2473.** 254.35 (3) (g) of the statutes is amended to read:

2 254.35 (3) (g) The fees under this subsection shall be as stated unless the
3 department promulgates rules to increase the annual registration fee ~~after January~~
4 ~~1, 1986,~~ for a site having an ionizing radiation installation ~~or,~~ for an X-ray tube or
5 for generally licensed devices that are not exempted by the department.

6 **SECTION 2474.** 254.35 (4) of the statutes is amended to read:

7 254.35 (4) EXEMPTIONS. ~~The department shall~~ After initial registration under
8 sub. (1), the department may exempt from annual registration any source licensed
9 by the nuclear regulatory commission and may exempt from registration any source
10 of radiation installation which of radiation that the department finds to be without
11 undue radiation hazard as determined by standards established by the national
12 committee on radiation protection and measurements or any comparable nationally
13 recognized agency established for the purpose of recommending standards for
14 radiation protection, and after the initial registration may exempt from subsequent
15 annual radiation requirements any source of radiation devoted primarily to
16 industrial purposes.

17 **SECTION 2475.** 254.36 of the statutes is renumbered 254.34 (1) (am) and
18 amended to read:

19 254.34 (1) (am) *Radiation protection.* ~~The department shall promulgate a~~
20 ~~radiation protection code. Other departments and agencies of state government and~~
21 A rule identical to a rule specified under par. (a) may be promulgated by a state
22 agency other than the department and an ordinance identical to a rule specified
23 under par. (a) may be enacted by a local governmental units may adopt the identical
24 code unit, but no other rule, code or ordinance relating to this subject may be
25 promulgated or enacted may be promulgated or ordinance may be enacted that

SENATE BILL 45**SECTION 2475**

1 differs from a rule under par. (a) and relates to the same subject area except as
2 provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

3 **SECTION 2476.** 254.365 of the statutes is created to read:

4 **254.365 Licensing of radioactive material. (1) LICENSE REQUIRED.** No
5 person may possess, use, manufacture, transport, store, transfer or dispose of
6 radioactive material or a device or item of equipment that uses radioactive material
7 or may operate a site that uses radioactive material that is not under the authority
8 of the U.S. nuclear regulatory commission unless one of the following applies:

9 (a) The person has a specific license issued by the department.

10 (b) The person meets general license requirements.

11 (c) The person possesses a license issued by another state or by the U.S. nuclear
12 regulatory commission that is reciprocally recognized by the department.

13 (d) The person is exempted from licensure under sub. (7).

14 **(2) APPLICATION.** Application for a license under sub. (1) (a) or for reciprocal
15 recognition under sub. (1) (c) shall be made on forms provided by the department.

16 **(3) MODIFICATION OR TERMINATION OF LICENSE.** Within 30 days after any change
17 to the information on a license issued under this section, the licensee shall inform the
18 department of the change and the department shall record the changed information.
19 Within 30 days after termination of an activity licensed under this section, the person
20 in control of the activity shall notify the department. The department may require
21 that the person in control submit to the department for approval a plan for
22 decommissioning the activity.

23 **(4) RULES.** The department shall promulgate rules for all of the following:

24 (a) The issuance, modification, suspension, termination and revocation of
25 specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

SENATE BILL 45**SECTION 2476**

1 (b) The requirements for a general license under sub. (1) (b).

2 **(5) FEES AND CHARGES.** (a) The department may assess fees, the amounts of
3 which are prescribed by the department by rule, for any of the following:

4 1. Issuance of an initial or renewal specific license under sub. (1) (a).

5 2. Annual license maintenance.

6 3. Issuance of a license amendment.

7 4. Termination of a license.

8 5. Issuance of reciprocal recognition of a license for radioactive materials of
9 another state or the U.S. nuclear regulatory commission.

10 (b) The department may assess a late payment charge of 25% of the specific
11 license renewal fee, in addition to the fee under par. (a) for renewal of a specific
12 license, if payment for renewal of a specific license is not made within 30 days after
13 the license expiration date.

14 **(6) DENIAL, SUSPENSION OR REVOCATION OF LICENSURE.** The department may, after
15 a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for
16 failure by the licensee to comply with this subchapter, rules promulgated by the
17 department under this subchapter or any condition of the license.

18 **(7) EXEMPTION.** The department may exempt from licensing requirements of
19 this section radioactive material that the department finds is without undue
20 radiation hazard.

21 **SECTION 2477.** 254.37 (1) of the statutes is renumbered 254.37 (1) (intro.) and
22 amended to read:

23 254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. (intro.)
24 Whenever the department or the department of commerce finds, upon inspection and
25 examination, that a source of radiation as constructed, operated or maintained

SENATE BILL 45**SECTION 2477**

1 results in a violation of this subchapter or of any rules promulgated under this
2 subchapter, ~~it the department shall notify~~ do all of the following:

3 (a) Notify the person in control that is causing, allowing or permitting the
4 violation as to the nature of the violation ~~and order.~~

5 (b) Order that, prior to a specified time, the person in control shall cease and
6 abate causing, allowing or permitting the violation and take such action as may be
7 necessary to have the source of radiation constructed, operated, or maintained in
8 compliance with this subchapter and rules promulgated under this subchapter.

9 **SECTION 2478.** 254.37 (2) of the statutes is amended to read:

10 254.37 (2) ORDERS. The department ~~or the department of commerce~~ shall issue
11 and enforce such orders or modifications of previously issued orders as may be
12 required in connection with proceedings under this subchapter. The orders shall be
13 subject to review by the department upon petition of the persons affected. Whenever
14 the department ~~or the department of commerce~~ finds that a condition exists which
15 that constitutes an immediate threat to health due to violation of this subchapter or
16 any rule or order promulgated under this subchapter, it may issue an order reciting
17 the existence of the threat and the findings pertaining to the threat. The department
18 ~~or the department of commerce~~ may summarily cause the abatement of the violation.

19 **SECTION 2479.** 254.37 (3) of the statutes is amended to read:

20 254.37 (3) RULES. The department shall promulgate and enforce the rules
21 pertaining to ionizing radiation in establishments principally engaged in furnishing
22 ~~medical, surgical, chiropractic and other health services to persons and animals. The~~
23 ~~department of commerce shall enforce the rules pertaining to ionizing radiation in~~
24 ~~industrial establishments. The department shall notify the department of commerce~~
25 ~~and deliver to it a copy of each new registration and at such time a decision shall be~~

SENATE BILL 45**SECTION 2479**

1 ~~made as to which state agency shall enforce the rules pertaining to ionizing~~
2 ~~radiation.~~

3 **SECTION 2480.** 254.37 (4) of the statutes is amended to read:

4 254.37 (4) ~~ENFORCEMENT JURISDICTION. All orders issued under this subchapter~~
5 ~~shall be enforced by the attorney general.~~ The circuit court of Dane county shall have
6 jurisdiction to enforce the orders by injunctive and other appropriate relief.

7 **SECTION 2481.** 254.38 (title) of the statutes is created to read:

8 **254.38 (title) Emergency authority.**

9 **SECTION 2482.** 254.38 of the statutes is renumbered 254.38 (1) and amended
10 to read:

11 254.38 (1) ~~IMPOUNDING MATERIALS.~~ The department ~~or department of commerce~~
12 may impound or order the sequestration of sources of radiation in the possession of
13 any person who is not equipped to observe or who fails to observe safety standards
14 to protect health that are established in rules promulgated by the department ~~or the~~
15 ~~department of commerce.~~

16 **SECTION 2483.** 254.38 (2) of the statutes is created to read:

17 254.38 (2) ~~EMERGENCY ORDERS.~~ If the department finds that an emergency
18 exists concerning a matter subject to regulation under this subchapter that requires
19 immediate action to protect the public health or safety, the department may issue an
20 emergency order without notice or hearing that recites the existence of the
21 emergency and requires such action as is necessary to mitigate the emergency. Any
22 person to whom the order is issued shall immediately comply with the order. A
23 person to whom an emergency order is issued shall be afforded a hearing within 30
24 days after receipt by the department of a written request for the hearing. An
25 emergency order is effective upon issuance and remains in effect for up to 90 days

SENATE BILL 45**SECTION 2483**

1 after issuance, except that the order may be revoked or modified based on the results
2 of the hearing.

3 **SECTION 2484.** 254.39 (2) of the statutes is amended to read:

4 254.39 (2) This subchapter does not apply to on-site activities of any nuclear
5 reactor plant licensed by the ~~nuclear regulatory commission~~ U.S. nuclear regulatory
6 commission.

7 **SECTION 2485.** 254.45 of the statutes is repealed and recreated to read:

8 **254.45 Penalties. (1) GENERAL.** (a) Any person who violates this subchapter
9 or a rule promulgated under this subchapter or a condition of a license or registration
10 issued by the department under this subchapter may be required to forfeit not less
11 than \$100 nor more than \$100,000. Each day of continued violation constitutes a
12 separate offense.

13 (b) The amount of the forfeiture assessed under par. (a) shall be determined by
14 considering all of the following:

15 1. The wilfulness of the violation.

16 2. The person's previous violations, if any, of this subchapter, rules
17 promulgated under this subchapter or conditions of a license or registration issued
18 by the department under this subchapter.

19 3. The potential danger or actual or potential injury to the environment or to
20 public health caused by the violation.

21 4. The actual or potential costs of the damage or injury caused by the violation.

22 **(2) ASSESSMENT OF FORFEITURES; NOTICE.** The department may directly assess
23 forfeitures provided for in sub. (1). If the department determines that a forfeiture
24 should be assessed for a particular violation, the department shall send a notice of
25 assessment to the person. The notice shall specify the amount of the forfeiture

SENATE BILL 45**SECTION 2485**

1 assessed and the violation and the statute or rule alleged to have been violated and
2 shall inform the person of the right to hearing under sub. (3).

3 (3) HEARING. A person upon whom a forfeiture is imposed may contest the
4 action by sending, within 10 days after receipt of notice of a contested action, a
5 written request for hearing under s. 227.44 to the division of hearings and appeals
6 created under s. 15.103 (1). The administrator of the division may designate a
7 hearing examiner to preside over the case and recommend a decision to the
8 administrator under s. 227.46. The decision of the administrator of the division shall
9 be the final administrative decision. The division shall commence the hearing within
10 30 days of receipt of the request for hearing and shall issue a final decision within
11 15 days after the close of the hearing. Proceedings before the division are governed
12 by ch. 227.

13 (4) FORFEITURE PAYMENT AND DISPOSITION. (a) A person against whom the
14 department has assessed a forfeiture shall pay the forfeiture to the department
15 within 10 days after receipt of the notice under sub. (2) or, if the person contests the
16 assessment, within 10 days after receipt of the final decision after exhaustion of
17 administrative review. If the person petitions for judicial review under ch. 227, the
18 person shall pay the forfeiture within 10 days after receipt of the final judicial
19 decision.

20 (b) The department shall remit all forfeitures paid to the state treasurer for
21 deposit in the school fund.

22 (5) ENFORCEMENT. The attorney general may bring an action in the name of the
23 state to collect any forfeiture imposed under this section if the forfeiture has not been
24 paid as required under sub. (4). The only issue to be contested in an action under this
25 subsection is whether the forfeiture has been paid.

SENATE BILL 45**SECTION 2486**

1 **SECTION 2486.** 255.05 (1) (a) of the statutes is amended to read:

2 255.05 (1) (a) “Institution” means any hospital, nursing home, county home,
3 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
4 facility or other place licensed or approved by the department under ss. s. 49.70,
5 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~

6 **SECTION 2487.** 281.01 (15) of the statutes is amended to read:

7 281.01 (15) “Solid waste” means any garbage, refuse, sludge from a waste
8 treatment plant, water supply treatment plant or air pollution control facility and
9 other discarded or salvageable materials, including solid, liquid, semisolid, or
10 contained gaseous materials resulting from industrial, commercial, mining and
11 agricultural operations, and from community activities, but does not include solids
12 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
13 return flows or industrial discharges which are point sources subject to permits
14 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
15 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
16 ~~(3)~~ (1).

17 **SECTION 2488.** 281.165 of the statutes is created to read:

18 **281.165 Compliance with water quality standards for wetlands.** An
19 activity shall be considered to comply with the water quality standards that are
20 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
21 exempt from any prohibition, restriction, requirement, permit, license, approval,
22 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
23 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
24 order issued or ordinance adopted under any of those sections or chapters, if the
25 activity meets all of the following requirements:

SENATE BILL 45**SECTION 2488**

1 **(1)** The wetland area that will be affected by the activity is less than 15 acres
2 in size.

3 **(2)** The site of the activity is zoned for industrial use and is in the vicinity of
4 a manufacturing facility.

5 **(3)** The site of the activity is within the corporate limits of a city on January
6 1, 1999.

7 **(4)** The governing body of the city adopts a resolution stating that the
8 exemption under this section is necessary to protect jobs that exist in the city on the
9 date of the adoption of the resolution or is necessary to promote job creation.

10 **(5)** The site of the activity is located in Trempealeau County.

11 **SECTION 2489.** 281.17 (3) of the statutes is amended to read:

12 281.17 **(3)** The department shall promulgate rules establishing an examining
13 program for the certification of operators of water systems, wastewater treatment
14 plants and septage servicing vehicles operated under a license issued under s. 281.48
15 (3), setting such standards as the department finds necessary to accomplish the
16 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
17 continuing education. The department may charge applicants a fee for certification.
18 All moneys collected under this subsection for the certification of operators of water
19 systems, wastewater treatment plants and septage servicing vehicles shall be
20 credited to the appropriation under s. 20.370 (4) (bL). No person may operate a water
21 systems, wastewater treatment plant or septage servicing vehicle without a valid
22 certificate issued under this subsection. The department may suspend or revoke a
23 certificate issued under this subsection for a violation of any statute or rule relating
24 to the operation of a water system or wastewater treatment plant or to septage
25 servicing; or for failure to fulfill the continuing education requirements ~~or as~~

SENATE BILL 45**SECTION 2489**

1 ~~provided under s. 145.245 (3).~~ The owner of any wastewater treatment plant shall
2 be, or shall employ, an operator certified under this subsection who shall be
3 responsible for plant operations, unless the department by rule provides otherwise.
4 In this subsection, “wastewater treatment plant” means a system or plant used to
5 treat industrial wastewater, domestic wastewater or any combination of industrial
6 wastewater and domestic wastewater.

7 **SECTION 2490.** 281.48 (5) (a) 4. of the statutes is amended to read:

8 281.48 (5) (a) 4. Violated any provisions of this section or any rule prescribed
9 by the department ~~or falsified information on inspection forms under s. 145.245 (3).~~

10 **SECTION 2491.** 281.58 (1) (ae) of the statutes is repealed.

11 **SECTION 2492.** 281.58 (6) (a) 4. of the statutes is repealed.

12 **SECTION 2493.** 281.58 (6) (b) 1. of the statutes is amended to read:

13 281.58 (6) (b) 1. Purchasing or refinancing the obligation of a municipality if
14 the obligation was incurred to finance the cost of constructing a water pollution
15 control project located in this state ~~and the obligation was initially incurred on or~~
16 ~~after May 17, 1988.~~

17 **SECTION 2494.** 281.58 (6) (b) 2. of the statutes is repealed.

18 **SECTION 2495.** 281.58 (7) (b) 3. of the statutes is repealed.

19 **SECTION 2496.** 281.58 (7) (b) 7. of the statutes is repealed.

20 **SECTION 2497.** 281.58 (8) (h) of the statutes is amended to read:

21 281.58 (8) (h) Except as provided in par. (k), a municipality that is a violator
22 of an effluent limitation at the time that the application for a treatment work project
23 is approved under sub. (9m) may not receive financial assistance of a method
24 specified under sub. (6) (b) 1., ~~2,~~ 3., 4. or 5. for that part of the treatment work project
25 that is needed to correct the violation. This paragraph does not apply to a

SENATE BILL 45**SECTION 2497**

1 municipality that after May 17, 1988, is in compliance with a court or department
2 order to correct a violation of the enforceable requirements of its ch. 283 permit, and
3 that is applying for financial assistance under s. 281.59 (13) to correct that violation.

4 **SECTION 2498.** 281.58 (8) (j) of the statutes is created to read:

5 281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the
6 amount of subsidy necessary to reduce the interest rate on the loan from market rate
7 to the interest rate that would have been charged on a loan to the municipality under
8 sub. (6) (b) 4.

9 **SECTION 2499.** 281.58 (8) (L) of the statutes is repealed.

10 **SECTION 2500.** 281.58 (8e) (a) of the statutes is amended to read:

11 281.58 (8e) (a) The type of project and the order in which it is listed under sub.
12 (7) (b) 1. to 7. 6.

13 **SECTION 2501.** 281.58 (8s) of the statutes is amended to read:

14 281.58 (8s) FACILITY PLAN. A municipality seeking financial assistance for a
15 project under this section, ~~except for a municipality seeking a capital cost loan,~~ shall
16 complete a facility plan as required by the department by rule.

17 **SECTION 2502.** 281.58 (9) (b) of the statutes is amended to read:

18 281.58 (9) (b) A municipality seeking financial assistance, ~~except for a~~
19 ~~municipality seeking a capital cost loan,~~ for a project under the clean water fund
20 program shall complete an environmental analysis sequence as required by the
21 department by rule.

22 **SECTION 2503.** 281.58 (12) (a) 4. of the statutes is amended to read:

23 281.58 (12) (a) 4. The interest rate for projects specified in sub. (7) (b) 6. and
24 7. and for those portions of projects under subd. 1. that are restricted by sub. (8) (b),
25 (c), (f) or (h) is market interest rate.

SENATE BILL 45**SECTION 2504**

1 **SECTION 2504.** 281.58 (12) (a) 5. of the statutes is repealed.

2 **SECTION 2505.** 281.59 (1m) (c) of the statutes is created to read:

3 281.59 **(1m)** (c) There is established a private sewage system replacement and
4 rehabilitation loan program, administered under s. 145.245 (12m).

5 **SECTION 2506.** 281.59 (1m) (c) of the statutes, as created by 1999 Wisconsin Act
6 (this act), is amended to read:

7 281.59 **(1m)** (c) There is established a ~~private~~ small sewage system
8 replacement and rehabilitation loan program, administered under s. 145.245 (12m).

9 **SECTION 2507.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

10 281.59 **(3e)** (b) 1. Equal to ~~\$90,200,000~~ \$87,400,000 during the ~~1997-99~~
11 1999-01 biennium.

12 3. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

13 **SECTION 2508.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

14 281.59 **(3m)** (b) 1. Equal to ~~\$4,500,000~~ \$9,400,000 during the ~~1997-99~~ 1999-01
15 biennium.

16 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

17 **SECTION 2509.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

18 281.59 **(3s)** (b) 1. Equal to ~~\$21,000,000~~ \$5,200,000 during the ~~1997-99~~ 1999-01
19 biennium.

20 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

21 **SECTION 2510.** 281.59 (4) (b) of the statutes is amended to read:

22 281.59 **(4)** (b) The department of administration may, under s. ~~18.56~~ 18.561 (5)
23 and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state
24 treasury or in an account maintained by a trustee outside the state treasury, any
25 portion of the revenues derived under s. 25.43 (1). The revenues deposited with a

SENATE BILL 45**SECTION 2510**

1 trustee outside the state treasury are the trustee's revenues in accordance with the
2 agreement between this state and the trustee or in accordance with the resolution
3 pledging the revenues to the repayment of revenue obligations issued under this
4 subsection.

5 **SECTION 2511.** 281.59 (9) (a) of the statutes is amended to read:

6 281.59 (9) (a) A loan approved under the clean water fund program, the safe
7 drinking water loan program or the land recycling loan program shall be for no longer
8 than 20 years, as determined by the department of administration, be fully
9 amortized not later than 20 years after the original date of the ~~note~~ financial
10 assistance agreement, and require the repayment of principal and interest, if any,
11 to begin not later than 12 months after the expected date of completion of the project
12 that it funds, as determined by the department of administration.

13 **SECTION 2512.** 281.59 (12) of the statutes is amended to read:

14 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
15 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. ~~or 2.~~ and guarantee
16 or purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
17 department of administration and the department of natural resources approve the
18 financial assistance under this section and s. 281.58.

19 **SECTION 2513.** 281.60 (1) (a) of the statutes is amended to read:

20 281.60 (1) (a) "Eligible applicant" means a political subdivision, a
21 redevelopment authority created under s. 66.431 or a housing authority.

22 **SECTION 2514.** 281.60 (1) (c) of the statutes is repealed.

23 **SECTION 2515.** 281.60 (2) of the statutes is amended to read:

24 281.60 (2) GENERAL. The department and the department of administration
25 may administer a program to provide financial assistance to eligible applicants for

SENATE BILL 45**SECTION 2515**

1 projects to remedy environmental contamination of sites or facilities at which
2 environmental contamination has affected groundwater or surface water or
3 threatens to affect groundwater or surface water. The department and the
4 department of administration may provide financial assistance under this section to
5 an eligible applicant only if the eligible applicant owns the contaminated site or
6 facility or, if the applicant is a political subdivision, if a redevelopment authority or
7 a housing authority owns the contaminated site or facility. The department and the
8 department of administration may not provide financial assistance under this
9 section to remedy environmental contamination at a site or facility that is not a
10 landfill if the eligible applicant caused the environmental contamination.

11 **SECTION 2516.** 281.60 (2r) (a) of the statutes is amended to read:

12 281.60 **(2r)** (a) Making loans ~~below the market interest rate~~ for projects
13 described in sub. (2).

14 **SECTION 2517.** 281.60 (7) (c) of the statutes is amended to read:

15 281.60 **(7)** (c) The department of administration determines that the eligible
16 applicant will meet the requirements of s. 281.59 (9) ~~(b)~~.

17 **SECTION 2518.** 281.60 (8s) of the statutes is created to read:

18 281.60 **(8s)** LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
19 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
20 interest rate on the loan from market rate to the interest rate that would have been
21 charged on a loan to the political subdivision under sub. (2r) (a).

22 **SECTION 2519.** 281.60 (11) of the statutes is amended to read:

23 281.60 **(11)** LOAN INTEREST RATES. The department and the department of
24 administration may not charge interest rate on a land recycling loan program loan
25 shall be 55% of market interest rate.

SENATE BILL 45**SECTION 2520**

1 **SECTION 2520.** 281.60 (11m) of the statutes is amended to read:

2 281.60 **(11m)** SERVICE FEE. The department and the department of
3 administration shall jointly charge and collect an annual service fee for reviewing
4 and acting upon land recycling loan program applications and servicing financial
5 assistance agreements. ~~The fee shall be in addition to interest payments at the rate~~
6 ~~under sub. (11).~~ For the 1997-99 fiscal biennium, the service fee shall be 0.5% of the
7 loan balance. Fee amounts for later biennia shall be established in the biennial
8 finance plan under s. 281.59 (3) (a) 8. The department and the department of
9 administration shall specify in the biennial finance plan a fee designed to cover the
10 costs of reviewing and acting upon land recycling loan program applications and
11 servicing financial assistance agreements.

12 **SECTION 2521.** 281.61 (8s) of the statutes is created to read:

13 281.61 **(8s)** LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
14 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
15 interest rate on the loan from market rate to the interest rate that would have been
16 charged on a loan to the local governmental unit under sub. (2r) (a).

17 **SECTION 2522.** 281.65 (5) (b) of the statutes is amended to read:

18 281.65 **(5)** (b) Prepare sections of the priority watershed or priority lake plan
19 relating to farm-specific implementation schedules, requirements under ~~ss. 92.104~~
20 ~~and s. 92.105,~~ animal waste management and selection of agriculturally related best
21 management practices and submit those sections to the department for inclusion
22 under sub. (4m) (b). The best management practices shall be cost-effective best
23 management practices, as specified under sub. (4) (e), except in situations in which
24 the use of a cost-effective best management practice will not contribute to water
25 quality improvement or will cause a water body to continue to be impaired as

SENATE BILL 45**SECTION 2522**

1 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
2 (A).

3 **SECTION 2523.** 281.65 (5) (d) of the statutes is amended to read:

4 281.65 (5) (d) Develop a grant disbursement and project management schedule
5 for agriculturally related best management practices to be included in a plan
6 established under sub. (4) (g) and identify recommendations for implementing
7 activities or projects under ss. 92.10, ~~92.104~~ and 92.105.

8 **SECTION 2524.** 281.65 (5) (e) of the statutes is amended to read:

9 281.65 (5) (e) Identify areas within a priority watershed or priority lake area
10 that are subject to activities required under ss. ~~92.104~~ and s. 92.105.

11 **SECTION 2525.** 281.65 (8) (L) of the statutes is amended to read:

12 281.65 (8) (L) A grant may not be made to an individual if the department
13 ~~receives a certification under s. 49.855 (7) that the individual is delinquent in child~~
14 ~~support or maintenance payments or owes past support, medical expenses or birth~~
15 ~~expenses whose name appears on the statewide support lien docket under s. 49.854~~
16 (2) (b), unless the individual provides to the department a payment agreement that
17 has been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 **SECTION 2526.** 281.68 (1) (intro.) of the statutes is amended to read:

20 281.68 (1) DEFINITIONS. (intro.) In this section, “qualified;

21 (b) “Qualified lake association” means a group incorporated under ch. 181 that
22 meets all of the following conditions:

23 **SECTION 2527.** 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1)

24 (b) 1. to 8.

25 **SECTION 2528.** 281.68 (1) (ag) of the statutes is created to read:

SENATE BILL 45**SECTION 2528**

1 281.68 (1) (ag) "Lake" includes a flowage.

2 **SECTION 2529.** 281.68 (1m) of the statutes is amended to read:

3 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
4 administer a financial assistance program to provide lake management planning
5 grants for projects to provide information and education on the use of lakes and
6 natural lake ecosystems and on the quality of water in lakes, ~~including mill ponds,~~
7 ~~in order to~~ and the quality of natural lake ecosystems.

8 (1r) USES OF GRANTS. Lake management planning grants shall be used to
9 improve water quality assessment and planning and to aid in the selection of
10 activities to abate do any of the following:

11 (a) Prevent pollution of from entering into lakes or into natural lake
12 ecosystems.

13 **SECTION 2530.** 281.68 (1r) (b) of the statutes is created to read:

14 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
15 of natural lake ecosystems.

16 **SECTION 2531.** 281.68 (2) (title) of the statutes is created to read:

17 281.68 (2) (title) AMOUNT OF GRANTS.

18 **SECTION 2532.** 281.68 (3) (title) of the statutes is created to read:

19 281.68 (3) (title) RULES FOR GRANTS.

20 **SECTION 2533.** 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
21 and amended to read:

22 281.68 (3) (b) (intro.) Eligible activities, which shall include ~~data~~ all of the
23 following for lakes and natural lake ecosystems:

24 1. Data collection, water quality assessment and nonpoint,

25 4. Nonpoint source pollution evaluation.

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1 **SECTION 2534.** 281.68 (3) (b) 2. of the statutes is created to read:

2 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
3 their habitat.

4 **SECTION 2535.** 281.68 (3) (b) 3. of the statutes is created to read:

5 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
6 surrounding the lake.

7 **SECTION 2536.** 281.68 (3) (b) 5. of the statutes is created to read:

8 281.68 (3) (b) 5. Informational or educational programs and materials.

9 **SECTION 2537.** 281.68 (4) (title) of the statutes is created to read:

10 281.68 (4) (title) **ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.**

11 **SECTION 2538.** 281.69 (title) of the statutes is amended to read:

12 **281.69** (title) **Lake management and classification grants and**
13 **contracts.**

14 **SECTION 2539.** 281.69 (1) (intro.) of the statutes is renumbered 281.69 (1m)
15 (intro.) and amended to read:

16 281.69 (1m) **TYPES OF PROJECTS.** (intro.) The department shall develop and
17 administer a financial assistance program to provide grants for the following ~~3~~ 2
18 types of projects:

19 **SECTION 2540.** 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and
20 amended to read:

21 281.69 (1m) (a) Lake management projects that will improve or protect the
22 quality of water in lakes or the quality of natural lake ecosystems of lakes.

23 **SECTION 2541.** 281.69 (1) (b) of the statutes is renumbered 281.69 (1m) (b).

24 **SECTION 2542.** 281.69 (1) (c) of the statutes is renumbered 281.69 (1r) and
25 amended to read:

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1 281.69 (1r) CONTRACTS. Lake The department may award contracts for lake
2 classification technical assistance projects to be conducted by nonprofit corporations
3 that will provide educational and technical assistance.

4 **SECTION 2543.** 281.69 (1b) of the statutes is created to read:

5 281.69 (1b) DEFINITION. In this section, "lake" includes a mill pond or a flowage.

6 **SECTION 2544.** 281.69 (2) (title) of the statutes is amended to read:

7 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

8 **SECTION 2545.** 281.69 (2) (c) of the statutes is amended to read:

9 281.69 (2) (c) A grant contract for a lake classification technical assistance
10 project may not exceed \$200,000.

11 **SECTION 2546.** 281.69 (3) (a) of the statutes is amended to read:

12 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
13 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
14 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary
15 districts, public inland lake protection and rehabilitation districts and other local
16 governmental units, as defined in s. 66.299 (1) (a), that are established for the
17 purpose of lake management.

18 **SECTION 2547.** 281.69 (3) (b) 1. of the statutes is amended to read:

19 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
20 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub. (4) s.~~
21 281.71 and if the purchase will substantially contribute to the protection or
22 improvement of a lake's water quality or its natural ecosystem.

23 **SECTION 2548.** 281.69 (4) of the statutes is renumbered 281.71, and 281.71
24 (title), (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended
25 to read:

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1 **281.71** (title) **Lake management project grants; river protection grants;**
2 **purchases. (1)** (intro.) In order to receive a grant for a purchase under sub. s. 281.69
3 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
4 department that contains all of the following provisions:

5 (d) A clause that any subsequent sale or transfer of the property to be acquired
6 is subject to ~~pars. (b) and (e)~~ subs. (2) and (3).

7 **(2)** (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
8 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
9 to a 3rd party other than a creditor of the recipient if all of the following apply:

10 (b) The party to whom the property is sold or transferred enters into a new
11 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

12 **(3)** The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
13 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
14 satisfy a debt or other obligation if the department approves the sale or transfer.

15 **(5)** The instrument conveying the property to the recipient shall state the
16 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
17 sub. (1) and the instrument of conveyance shall be recorded in the office of the
18 register of deeds of each county in which the property is located.

19 **SECTION 2549.** 281.69 (6) (a) of the statutes is repealed.

20 **SECTION 2550.** 281.69 (6) (b) of the statutes is renumbered 281.69 (6) and
21 amended to read:

22 281.69 **(6)** LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS. A
23 nonprofit corporation receiving a lake classification technical assistance grant
24 contract shall provide educational and technical assistance to local units of

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1 government and lake management organizations that will participate in a lake
2 classification project.

3 **SECTION 2551.** 281.70 of the statutes is created to read:

4 **281.70 River protection grants. (1) DEFINITION.** In this section, "river"
5 includes a stream or a flowage.

6 **(2) TYPES OF PROJECTS.** The department shall develop and administer a
7 financial assistance program to provide grants for planning projects and
8 management projects.

9 **(3) AMOUNTS OF GRANTS.** (a) A grant for a planning project may be made for up
10 to 75% of the cost of the project but may not exceed \$10,000 per grant.

11 (b) A grant for a management project may be made for up to 75% of the cost of
12 the project but may not exceed \$50,000 per grant.

13 **(4) ELIGIBLE RECIPIENTS.** (a) All of the following shall be eligible for grants
14 under this section:

- 15 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 16 2. River management organizations that meet the qualifications under par. (b).
- 17 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

18 (b) The department shall promulgate rules to establish the qualifications that
19 a river management organization must meet to qualify for a grant under this section.

20 **(5) ELIGIBLE ACTIVITIES.** The department shall promulgate rules to do all of the
21 following:

22 (a) Designate activities that are eligible for grants for planning projects.
23 Eligible activities under the rules for these grants shall include all of the following:

- 24 1. Data collection.
- 25 2. Assessments of water quality and of fish and aquatic life and their habitat.

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1 3. Assessments of the uses of a river and the uses of the land surrounding the
2 river.

3 4. Nonpoint source pollution evaluation.

4 5. Informational or educational programs and materials as specified in par. (b).

5 6. Programs and materials to assist persons in forming river management
6 organizations or other groups to protect or improve rivers and natural riverine
7 ecosystems.

8 (b) For purposes of par. (a) 5., specify informational or educational materials
9 that may be provided on any of the following:

10 1. Protecting or improving the ways in which rivers are used.

11 2. Protecting or improving the quality of water in rivers.

12 3. Protecting or improving the quality of natural riverine ecosystems.

13 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

14 (c) Designate activities that are eligible for grants for management projects.

15 Eligible activities under the rules for these grants shall include all of the following:

16 1. The purchase of land or of a conservation easement, as defined in s. 700.40
17 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
18 substantially contribute to the protection or improvement of the river's water quality
19 or its natural ecosystem.

20 2. The restoration of in-stream or shoreline habitat.

21 3. The development of local regulations or ordinances that will protect or
22 improve the river's water quality or its natural ecosystem.

23 4. An activity that is approved by the department and that is needed to
24 implement a recommendation made as a result of a plan to protect or improve the
25 river's water quality or its natural ecosystem.

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1 5. Installation of pollution control practices.

2 **(6)** ELIGIBILITY; TYPES OF RIVERS. The department shall promulgate rules
3 establishing the types of natural riverine ecosystems that are eligible for grants
4 under this section.

5 **(7)** ELIGIBILITY; OTHER. At the completion of a planning project, upon request
6 of the recipient of the grant for the planning project, the department may approve
7 as eligible activities for a management project grant the recommendations that were
8 made as a result of the project.

9 **SECTION 2552.** 281.75 (6) (a) of the statutes is amended to read:

10 281.75 **(6)** (a) Contamination of a private water supply, as defined under sub.
11 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,
12 taken at least 2 weeks apart, in a manner which assures the validity of the test
13 results. The samples shall be tested by a laboratory accredited or certified under s.
14 299.11.

15 **SECTION 2553.** 283.31 (1) of the statutes is amended to read:

16 283.31 **(1)** The discharge of any pollutant into any waters of the state or the
17 disposal of sludge from a treatment work by any person is unlawful unless such
18 discharge or disposal is done under a permit issued by the department under this
19 section or s. 283.33. The department may by rule exempt certain classes or categories
20 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.
21 Except as provided in s. 283.33, the department may require only one permit for a
22 publicly owned treatment or collection facility or system, regardless of the number
23 of point sources from such facility or system.

24 **SECTION 2554.** 285.01 (40) of the statutes is amended to read:

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1 285.01 **(40)** “Solid waste” means any garbage, refuse, sludge from a waste
2 treatment plant, water supply treatment plant or air pollution control facility and
3 other discarded or salvageable materials, including solid, liquid, semisolid, or
4 contained gaseous materials resulting from industrial, commercial, mining and
5 agricultural operations, and from community activities, but does not include solids
6 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
7 return flows or industrial discharges which are point sources subject to permits
8 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
9 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
10 ~~(3)~~ (1).

11 **SECTION 2555.** 285.60 (3g) of the statutes is created to read:

12 285.60 **(3g)** GENERAL CONSTRUCTION PERMITS. The department may promulgate
13 rules specifying types of stationary sources that may obtain general construction
14 permits. A general construction permit may cover numerous similar stationary
15 sources. A general construction permit shall require any stationary source that is
16 covered by the general construction permit to comply with ss. 285.61 to 285.69. The
17 department shall issue a general construction permit using the procedures and
18 criteria in ss. 285.61, 285.63, 285.65, 285.66 and 285.69.

19 **SECTION 2556.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

20 285.69 **(2)** (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
21 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
22 for the following:

23 **SECTION 2557.** 285.69 (2) (e) of the statutes is created to read:

24 285.69 **(2)** (e) The owner or operator of a stationary source for which an
25 operation permit is required shall pay to the department an annual facility fee based

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1 on the total amount of actual emissions in the preceding year of all air contaminants
2 on which the fee under par. (a) is based, if the total amount of those emissions is 5
3 tons or more. The amount of the fee is as follows:

4 1. If the total amount of emissions is at least 5 tons but does not exceed 25 tons,
5 \$50.

6 2. If the total amount of emissions exceeds 25 tons but does not exceed 100 tons,
7 \$650.

8 3. If the total amount of emissions exceeds 100 tons but does not exceed 250
9 tons, \$2,000.

10 4. If the total amount of emissions exceeds 250 tons but does not exceed 4,000
11 tons, \$7,000.

12 5. If the total amount of the emissions exceeds 4,000 tons, \$20,000.

13 **SECTION 2558.** 285.69 (3) of the statutes is amended to read:

14 285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules
15 for the payment and collection of fees for inspecting nonresidential asbestos
16 demolition and renovation projects regulated by the department. The fees under this
17 subsection may not exceed ~~\$200~~ \$210 per project. The fees collected under this
18 subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct
19 and indirect costs of conducting inspections of nonresidential asbestos demolition
20 and inspection projects regulated by the department.

21 **SECTION 2559.** 285.86 of the statutes is created to read:

22 **285.86 Asbestos citations.** (1) The department may follow the procedures
23 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a
24 person who commits a violation specified under sub. (2).

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1 (2) The department shall promulgate rules that specify violations of rules
2 relating to asbestos abatement and management that are promulgated under ss.
3 285.11, 285.13, 285.17 and 285.27 to which sub. (1) applies. In a rule promulgated
4 under this subsection, the department may limit the applicability of sub. (1) based
5 on the frequency of violation and on health and environmental risks caused by the
6 violation.

7 (3) The department shall submit any proposed rules under sub. (2) to the
8 department of justice. The department may not promulgate a rule under sub. (2)
9 unless the rule is approved by the department of justice.

10 **SECTION 2560.** 287.11 (2) (dm) of the statutes is repealed.

11 **SECTION 2561.** 287.23 (5) (c) 2. of the statutes is amended to read:

12 287.23 (5) (c) 2. Except as provided in subd. ~~5.~~ 2m. or sub. (5e), for all other
13 responsible units, the amount of the grant for 1993 through ~~2000~~ 2001 equals either
14 66% of the difference between eligible expenses and avoided disposal costs or 33% of
15 eligible expenses, whichever is greater.

16 2m. If the amount determined under subd. 2. is greater than \$8 times the
17 population of the responsible unit, whichever is less the grant equals \$8 times the
18 population of the responsible unit.

19 **SECTION 2562.** 287.23 (5) (c) 5. of the statutes is repealed.

20 **SECTION 2563.** 287.23 (5e) of the statutes is amended to read:

21 287.23 (5e) PRORATION. If available funds are insufficient, under sub. (5) (c) ~~2.~~
22 2m., to pay \$8 times the population of all of the responsible units that are entitled
23 to that amount, the department shall distribute the funds so that each responsible
24 unit that would be entitled to \$6 times its population if the per person amount in sub.

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1 (5) (c) ~~2. 2m.~~ were \$6 receives \$6 times its population and shall prorate the remaining
2 funds.

3 **SECTION 2564.** 287.23 (7) of the statutes is amended to read:

4 287.23 (7) SUNSET. No grant may be awarded under this section for any year
5 after the year 2000 2001.

6 **SECTION 2565.** 287.46 (4) of the statutes, as affected by 1997 Wisconsin Acts
7 27 and 1999 Wisconsin Act (this act), is repealed.

8 **SECTION 2566.** 287.46 (4) (a) of the statutes is amended to read:

9 287.46 (4) (a) ~~From the appropriations~~ Subject to par. (6), from the
10 appropriation under s. 20.143 (1) (L) ~~and (tm)~~, the department of commerce shall
11 provide financial assistance awarded by the board under this subchapter. ~~Subject~~
12 ~~to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of~~
13 ~~commerce shall~~ and pay contracts entered into by the board under s. 287.42 (3) and
14 (3m).

15 **SECTION 2567.** 287.46 (4) (b) of the statutes is amended to read:

16 287.46 (4) (b) In any biennium, the department of commerce may not expend
17 more than 10% of the amount ~~appropriated~~ credited to the appropriation account
18 under s. 20.143 (1) ~~(tm)~~ for (L) in that biennium for contracts with and financial
19 assistance to responsible units and other local units of government.

20 **SECTION 2568.** 289.01 (33) of the statutes is amended to read:

21 289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste
22 treatment plant, water supply treatment plant or air pollution control facility and
23 other discarded or salvageable materials, including solid, liquid, semisolid, or
24 contained gaseous materials resulting from industrial, commercial, mining and
25 agricultural operations, and from community activities, but does not include solids

SENATE BILL 45**SECTION 2568**

1 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
2 return flows or industrial discharges which are point sources subject to permits
3 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
4 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
5 ~~(3)~~ (1).

6 **SECTION 2569.** 289.33 (7) (a) 1. of the statutes is amended to read:

7 289.33 (7) (a) 1. A town, city or village in which all or part of a facility is
8 proposed to be located shall may appoint 4 members or the number of members
9 appointed under subds. 1m. and 2. and sub. (7n) plus 2, whichever is greater, no more
10 than 2 of whom are elected officials or municipal employes.

11 **SECTION 2570.** 292.11 (7) (d) 1m. of the statutes is created to read:

12 292.11 (7) (d) 1m. The department may negotiate and enter into an agreement
13 containing a schedule for conducting nonemergency actions required under sub. (3)
14 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf
15 of owners of contaminated property within one of the following:

16 a. A business improvement district, as defined in s. 66.608 (1) (b).

17 b. An area designated by the local governmental unit if the area consists of 2
18 or more properties affected by a contiguous region of groundwater contamination or
19 contains 2 or more properties that are brownfields, as defined in s. 234.88 (1) (a).

20 **SECTION 2571.** 292.11 (7) (d) 2. of the statutes is amended to read:

21 292.11 (7) (d) 2. The department may charge fees, in accordance with rules that
22 it promulgates, to offset the costs of negotiating and entering into an agreement
23 under subd. 1. or 1m.

24 **SECTION 2572.** 292.11 (9) (e) 1. of the statutes is amended to read:

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1 292.11 (9) (e) 1. ~~Local~~ In this paragraph, “local governmental unit” means a
2 municipality, a redevelopment authority created under s. 66.431, a public body
3 designated by a municipality under s. 66.435 (4), a community development
4 authority or a housing authority.

5 **SECTION 2573.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended to read:

6 292.11 (9) (e) 1m. (intro.) ~~A~~ Except as provided in subs. 2., 4., 6. and 7., a local
7 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to
8 discharges of hazardous substances on or originating from property acquired by the
9 local government unit before, on or after the effective date of this subdivision
10 [revisor inserts date], if any of the following applies:

11 **SECTION 2574.** 292.11 (9) (e) 1m. b. of the statutes is amended to read:

12 292.11 (9) (e) 1m. b. The local governmental unit acquired the property from
13 a local governmental unit that acquired is exempt under this subdivision with
14 respect to the property under a method described in subd. 1m. a.

15 **SECTION 2575.** 292.11 (9) (e) 1m. e. of the statutes is created to read:

16 292.11 (9) (e) 1m. e. The local governmental unit acquired the property through
17 escheat.

18 **SECTION 2576.** 292.11 (9) (e) 1m. f. of the statutes is created to read:

19 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
20 funds appropriated under s. 20.866 (2) (tz).

21 **SECTION 2577.** 292.11 (9) (e) 1s. of the statutes is amended to read:

22 292.11 (9) (e) 1s. ~~An~~ Except as provided in subs. 2. and 4. to 6., an economic
23 development corporation described in section 501 (c) of the Internal Revenue Code,
24 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)
25 of the Internal Revenue Code, or an entity wholly owned and operated by such a

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1 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property
2 acquired before, on or after October 14, 1997, if the property is acquired to further
3 the economic development purposes that qualify the corporation as exempt from
4 federal taxation.

5 **SECTION 2578.** 292.11 (9) (e) 3. of the statutes is repealed.

6 **SECTION 2579.** 292.11 (9) (e) 5. c. of the statutes is repealed.

7 **SECTION 2580.** 292.11 (9) (e) 6. of the statutes is created to read:

8 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
9 unit or the economic development corporation agrees to allow the department, any
10 authorized representatives of the department, any party that possessed or controlled
11 the hazardous substance or caused the discharge of the hazardous substance and any
12 consultant or contractor of such a party to enter the property to take action to respond
13 to the discharge.

14 **SECTION 2581.** 292.11 (9) (e) 7. of the statutes is created to read:

15 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.
16 1m. f. unless the local governmental unit enters into an agreement with the
17 department to ensure that the conditions in subs. 2. and 4. are satisfied.

18 **SECTION 2582.** 292.15 (1) (a) of the statutes is created to read:

19 292.15 (1) (a) “Enforcement standard” has the meaning given in s. 160.01 (2).

20 **SECTION 2583.** 292.15 (1) (am) of the statutes is created to read:

21 292.15 (1) (am) “Natural attenuation” means the reduction in the mass and
22 concentration in groundwater of a substance, and the products into which the
23 substance breaks down, due to naturally occurring physical, chemical and biological
24 processes, without human intervention.

25 **SECTION 2584.** 292.15 (1) (f) of the statutes is repealed and recreated to read:

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1 292.15 (1) (f) “Voluntary party” means a person who submits an application to
2 obtain an exemption under this section and pays any fees required under sub. (5).

3 **SECTION 2585.** 292.15 (2) (a) (title) of the statutes is created to read:

4 292.15 (2) (a) (title) *General.*

5 **SECTION 2586.** 292.15 (2) (a) (intro.) of the statutes is amended to read:

6 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
7 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
8 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
9 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
10 hazardous substance substances on the or originating from a property, if the release
11 of those hazardous substances occurred prior to the date on which the department
12 approves the environmental investigation of the property under subd. 1. and if all
13 of the following occur at any time before or after the date of acquisition:

14 **SECTION 2587.** 292.15 (2) (a) 2. of the statutes is amended to read:

15 292.15 (2) (a) 2. Except as provided in sub. (4), the property is cleaned up by
16 ~~restoring the environment~~ is restored to the extent practicable with respect to the
17 discharges and ~~minimizing the harmful effects from a discharge of the hazardous~~
18 ~~substance~~ the discharges are minimized in accordance with rules promulgated by the
19 department and any contract entered into under those rules.

20 **SECTION 2588.** 292.15 (2) (a) 3. of the statutes is amended to read:

21 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
22 the department that the ~~property~~ environment has been satisfactorily restored to the
23 extent practicable with respect to the discharges and that the harmful effects from
24 a ~~discharge of a hazardous substance~~ the discharges have been minimized.

25 **SECTION 2589.** 292.15 (2) (a) 6. of the statutes is amended to read:

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1 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
2 ~~subd. 3.~~ certificate of completion by fraud or misrepresentation, by the knowing
3 failure to disclose material information or under circumstances in which the
4 voluntary party knew or should have known about more discharges of hazardous
5 substances than were revealed by the investigation conducted under subd. 1.

6 **SECTION 2590.** 292.15 (2) (a) 7. of the statutes is created to read:

7 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and
8 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is
9 discovered, after the department issues a certificate of completion under subd. 3.,
10 that the cleanup under subd. 2. fails to fully restore the environment or to minimize
11 the effects from a discharge or that the hazardous substance that is the subject of the
12 cleanup is more extensive than known before the department issues the certificate
13 of completion, and the insurance complies with rules promulgated by the department
14 and names the voluntary party and this state as insureds.

15 **SECTION 2591.** 292.15 (2) (ae) of the statutes is created to read:

16 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if
17 there exists a hazardous substance in groundwater on a property in a concentration
18 that exceeds an enforcement standard and the department determines that natural
19 attenuation will restore groundwater quality in accordance with rules promulgated
20 by the department, a voluntary party is exempt from ss. 289.05 (1), (2), (3) and (4),
21 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c)
22 and 292.31 (8), and rules promulgated under those provisions, with respect to
23 discharges of hazardous substances on or originating from the property, if the release
24 of those hazardous substances occurred prior to the date on which the department

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1 approves the environmental investigation of the property under subd. 1. and if all
2 of the following occur at any time before or after the date of acquisition:

3 1. An environmental investigation of the property is conducted that is approved
4 by the department.

5 2. The environment is restored to the extent practicable with respect to the
6 discharges and the harmful effects from the discharges are minimized in accordance
7 with rules promulgated by the department and any contract entered into under those
8 rules, except that this requirement does not apply with respect to the hazardous
9 substance in groundwater that the department has determined will be brought into
10 compliance with rules promulgated by the department through natural attenuation.

11 3. The voluntary party obtains a certificate of completion from the department
12 stating that the environment has been satisfactorily restored to the extent
13 practicable with respect to the discharges and that the harmful effects from the
14 discharges have been minimized, except with respect to the hazardous substance in
15 groundwater that the department has determined will be brought into compliance
16 with rules promulgated by the department through natural attenuation.

17 3m. If required by the department, the voluntary party obtains and maintains
18 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
19 hazardous substance that the department has determined will be brought into
20 compliance with rules promulgated by the department through natural attenuation,
21 in case natural attenuation fails, and the insurance complies with rules promulgated
22 by the department and names the voluntary party and this state as insureds.

23 4. The voluntary party maintains and monitors the property as required under
24 rules promulgated by the department and any contract entered into under those
25 rules.

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1 5. The voluntary party does not engage in activities that are inconsistent with
2 the maintenance of the property.

3 6. The voluntary party has not obtained the certification under subd. 3. by
4 fraud or misrepresentation, by the knowing failure to disclose material information
5 or under circumstances in which the voluntary party knew or should have known
6 about more discharges of hazardous substances than were revealed by the
7 investigation conducted under subd. 1.

8 **SECTION 2592.** 292.15 (2) (ag) of the statutes is created to read:

9 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
10 sub. (6) or (7), for a property on which there exists a hazardous substance for which
11 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
12 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
13 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
14 promulgated under those provisions, with respect to discharges of hazardous
15 substances on or originating from the property, if the release of those hazardous
16 substances occurred prior to the date on which the department approves the
17 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to
18 6. apply and all of the following occur at any time before or after the date of
19 acquisition:

20 1. The environment is restored to the extent practicable with respect to the
21 discharges and the harmful effects from the discharges are minimized in accordance
22 with rules promulgated by the department and any contract entered into under those
23 rules, except that this requirement does not apply with respect to the hazardous
24 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

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1 2. The voluntary party obtains a certificate of completion from the department
2 stating that the environment has been satisfactorily restored to the extent
3 practicable with respect to the discharges and that the harmful effects from the
4 discharges have been minimized, except with respect to the hazardous substance for
5 which the voluntary party is exempt from liability under s. 292.13 (1).

6 3. The voluntary party obtains a written determination from the department
7 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
8 party is exempt from liability under s 292.13 (1).

9 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
10 (d) to (g).

11 **SECTION 2593.** 292.15 (2) (am) (intro.) of the statutes is amended to read:

12 292.15 (2) (am) *Partial cleanup.* (intro.) The department may approve a
13 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)
14 that states that not all of the property has been satisfactorily restored or that not all
15 of the harmful effects from a discharge of a hazardous substance have been
16 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37
17 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property
18 or hazardous substances cleaned up under this paragraph. In addition to meeting
19 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this
20 paragraph may be issued only if:

21 **SECTION 2594.** 292.15 (2) (ar) (title) of the statutes is created to read:

22 292.15 (2) (ar) (title) *Condition.*

23 **SECTION 2595.** 292.15 (2) (at) of the statutes is created to read:

24 292.15 (2) (at) *Discharges discovered after environmental investigations.*

25 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),

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1 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
2 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
3 respect to a discharge of a hazardous substance on or originating from a property if
4 the discharge occurred before the environmental investigation under subd. 1. is
5 completed and is discovered after the environmental investigation under subd. 5. is
6 approved and if all of the following apply:

7 1. An initial environmental investigation of the property is conducted and is
8 approved by the department.

9 2. If required by the department, the voluntary party enters into an agreement
10 with the department under which the voluntary party agrees to conduct a cleanup
11 approved by the department.

12 3. The voluntary party obtains and maintains insurance to cover the costs of
13 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
14 occurred before the investigation under subd. 1. is completed and that are discovered
15 in the course of conducting a cleanup of the property, the insurance complies with
16 rules promulgated by the department and the insurance names the voluntary party
17 and this state as insureds.

18 4. A hazardous substance discharge that occurred before the investigation
19 under subd. 1. is completed is discovered after the investigation under subd. 1. is
20 approved and before the cleanup is completed.

21 5. A 2nd environmental investigation of the property is conducted and is
22 approved by the department.

23 6. The voluntary party has not obtained approval of the investigation under
24 subd. 1. or 5. or the agreement under subd. 2. by fraud or misrepresentation, by the
25 knowing failure to disclose material information or under circumstances in which

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1 the voluntary party knew or should have known about more discharges of hazardous
2 substances than were revealed by the investigation conducted under subd. 1. or 5.

3 **SECTION 2596.** 292.15 (2) (b) of the statutes is amended to read:

4 292.15 (2) (b) *Extent of exemptions.* The exemptions provided in pars. (a), (ae),
5 (ag) and (am) continue to apply after the date of certification by the department
6 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),
7 notwithstanding the occurrence of any of the following:

8 1. Statutes, rules or regulations are created or amended that would impose
9 greater responsibilities on the voluntary party than those imposed under par. (a) 2.,
10 (ae) 2. or (ag) 1.

11 2. The voluntary party fully complies with the rules promulgated by the
12 department and any contract entered into under those rules under par. (a) 2., (ae) 2.
13 or (ag) 1. but it is discovered that the cleanup fails to fully restore the environment
14 and minimize the effects from a discharge of a hazardous substance.

15 3. The contamination from a hazardous substance that is the subject of the
16 cleanup under par. (a) 2., (ae) 2. or (ag) 1. is discovered to be more extensive than
17 anticipated by the voluntary party and the department.

18 **SECTION 2597.** 292.15 (2) (c) (title) of the statutes is created to read:

19 292.15 (2) (c) (title) *Prohibition on action.*

20 **SECTION 2598.** 292.15 (2) (c) of the statutes is amended to read:

21 292.15 (2) (c) The department of justice may not commence an action under 42
22 USC 9607 against any voluntary party meeting the criteria of this subsection to
23 recover costs for which the voluntary party is exempt under pars. (a), (ac), (ag), (am),
24 (at) and (b).

25 **SECTION 2599.** 292.15 (2) (d) (title) of the statutes is created to read:

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1 292.15 (2) (d) (title) *Exception*.

2 **SECTION 2600.** 292.15 (2) (e) of the statutes is created to read:

3 292.15 (2) (e) *Contract with insurer*. If the department requires insurance
4 under par. (a) 7. or (ae) 3m., the department may contract with an insurer to provide
5 insurance required under par. (a) 7. or (ae) 3m. and may require voluntary parties
6 to obtain coverage under the contract.

7 **SECTION 2601.** 292.15 (3) of the statutes is amended to read:

8 292.15 (3) SUCCESSORS AND ASSIGNS. The An exemption provided in sub. (2)
9 applies to any successor or assignee of the voluntary party ~~who qualifies as a~~
10 ~~voluntary party and who~~ if the successor or assignee complies with the provisions of
11 sub. (2) (a) 4. and 5. ~~unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or~~
12 (am) as though the successor or assignee were the voluntary party except that the
13 exemption in sub. (2) does not apply if the successor or assignee knows that a
14 certificate under sub. (2) (a) 3., (ae) 3., (ag) 12. or (am) was obtained by any of the
15 means or under any of the circumstances specified in sub. (2) (a) 6.

16 **SECTION 2602.** 292.15 (4) (intro.) of the statutes is amended to read:

17 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
18 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
19 voluntary party and the department if the voluntary party purchased the property
20 from a local governmental unit that acquired the property in a way or for a purpose
21 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the
22 following:

23 **SECTION 2603.** 292.15 (5m) of the statutes is repealed.

24 **SECTION 2604.** 292.15 (6) of the statutes is renumbered 292.15 (6) (a) and
25 amended to read:

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1 292.15 (6) (a) This section does not exempt property from any lien filed under
2 s. 292.81 (3) for costs incurred by the department prior to the date that certification
3 is issued under sub. (2) (a) 3., (ae) 3. or (ag) 2.

4 **SECTION 2605.** 292.15 (6) (b) of the statutes is created to read:

5 292.15 (6) (b) This section does not exempt property from any lien filed under
6 s. 292.81 (3) for costs that are incurred by the department with respect to a hazardous
7 substance discharge described in sub. (2) (at) 3. and that are not covered by insurance
8 required by sub. (2) (at) 3.

9 **SECTION 2606.** 292.21 (1) (c) 1. b. of the statutes is repealed.

10 **SECTION 2607.** 292.21 (1) (c) 1. g. of the statutes is created to read:

11 292.21 (1) (c) 1. g. The lender agrees to allow the department, any authorized
12 representatives of the department, any party that possessed or controlled the
13 hazardous substance or caused the discharge of the hazardous substance and any
14 consultant or contractor of such a party to enter the real property to take action to
15 respond to the discharge.

16 **SECTION 2608.** 292.21 (1) (c) 1. h. of the statutes is created to read:

17 292.21 (1) (c) 1. h. The lender agrees to avoid any interference with action
18 undertaken to respond to the discharge and to avoid actions that worsen the
19 discharge.

20 **SECTION 2609.** 292.21 (1) (c) 1. i. of the statutes is created to read:

21 292.21 (1) (c) 1. i. The lender agrees to any other condition that the department
22 determines is reasonable and necessary to ensure that the department or other
23 person described in subd. 1. g. can adequately respond to the discharge.

24 **SECTION 2610.** 292.24 of the statutes is created to read:

SENATE BILL 45**SECTION 2610****1 292.24 Responsibility of local governmental units; hazardous waste.**

2 **(1) DEFINITION.** In this section, "local governmental unit" has the meaning given in
3 s. 292.11 (9) (e) 1.

4 **(2) EXEMPTION FROM LIABILITY.** Except as provided in sub. (3), a local
5 governmental unit is exempt from ss. 291.25 (1) to (5), 291.29 and 291.37, and rules
6 promulgated under those provisions, with respect to the existence of a hazardous
7 waste on property acquired in a way or for a purpose described in s. 292.11 (9) (e) 1m.,
8 if all of the following occur at any time before or after the date of acquisition:

9 (a) An environmental investigation of the property is conducted that is
10 approved by the department and that identifies any hazardous waste discharges
11 that occurred on the property.

12 (b) The hazardous waste discharges identified by the investigation under par.
13 (a) are cleaned up by restoring the environment to the extent practicable with respect
14 to the discharges and minimizing the harmful effects from the discharges in
15 accordance with rules promulgated by the department and any contract entered into
16 under those rules.

17 (c) The local governmental unit obtains a certificate of completion from the
18 department stating that the property has been satisfactorily restored to the extent
19 practicable with respect to the hazardous waste discharges and that the harmful
20 effects from the discharges have been minimized.

21 (d) The local governmental unit maintains and monitors the property as
22 required under rules promulgated by the department and any contract entered into
23 under those rules.

24 (e) The local governmental unit does not engage in activities that are
25 inconsistent with the maintenance of the property.

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1 (f) The local governmental unit has not obtained the certification under par. (c)
2 by fraud or misrepresentation, by the knowing failure to disclose material
3 information or under circumstances in which the local governmental unit knew or
4 should have known about more discharges of hazardous waste than were revealed
5 by the investigation conducted under par. (a).

6 (g) The local governmental unit did not cause the discharge of any hazardous
7 waste identified on the property.

8 **(3) APPLICABILITY.** Subsection (2) does not apply to any of the following:

9 (a) A hazardous waste treatment, storage or disposal facility that first begins
10 operation after the date on which the local governmental unit acquired the property.

11 (b) A licensed hazardous waste treatment, storage or disposal facility operated
12 on the property before the date on which the local governmental unit acquired the
13 property and that is operated after the date on which the local governmental unit
14 acquired the property.

15 (c) Any hazardous waste disposal facility that has been issued a license under
16 s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those
17 sections, for a period of long-term care following closure of the facility.

18 **SECTION 2611.** 292.25 of the statutes is created to read:

19 **292.25 Report on impact of exemptions from liability.** (1) The
20 department shall biennially determine all of the following:

21 (a) The number of sites for which a person is seeking to qualify for an exemption
22 under s. 292.15.

23 (b) The number of sites for which a certificate of completion was issued under
24 s. 292.15.

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1 (c) The number of sites for which a certificate of completion was issued under
2 s. 292.15 at which it is discovered that the cleanup failed or at which additional
3 hazardous substances are found after the certificate of completion was issued.

4 (d) The number of sites described in par. (b) at which the department has
5 determined that it is necessary to conduct remedial action using moneys from the
6 environmental fund and the estimated costs of performing that remedial action.

7 (e) The number of sites for which a claim was made against an insurance policy
8 required under s. 292.15.

9 **(2)** No later than September 15 of each even-numbered year, the department
10 shall submit a report describing its determinations under sub. (1) to the legislature
11 under s. 13.172 (2), to the governor and to the department of administration.

12 **(3)** The department may require a person to provide information necessary for
13 the department to make the determinations under sub. (1).

14 **SECTION 2612.** 292.33 of the statutes is created to read:

15 **292.33 Local government cost recovery cause of action. (1) DEFINITION.**

16 In this section “local governmental unit” has the meaning given in s. 292.11 (9) (e)
17 1.

18 **(2) CAUSE OF ACTION.** Except as provided in sub. (6), a local governmental unit
19 may recover costs as provided in sub. (4) from a responsible person described in sub.
20 (3) if the costs are incurred in connection with a property acquired as provided in s.
21 292.11 (9) (e) 1m. on which a hazardous substance has been discharged.

22 **(3) RESPONSIBLE PERSONS.** (a) Except as provided in par. (b), a local
23 governmental unit may recover costs in an action under this section from any of the
24 following:

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1 1. A person who, at the time that the local governmental unit acquired the
2 property, possessed or controlled the hazardous substance that was discharged on
3 the property.

4 2. A person who caused the discharge of the hazardous substance on the
5 property.

6 (b) A local governmental unit may not recover costs in an action under sub. (2)
7 from a person described in par. (a) if the person qualifies for an exemption under s.
8 292.11 (9) (e), 292.13, 292.15, 292.16, 292.19 or 292.21 with respect to the discharge
9 that is the subject of the action.

10 **(4) RECOVERABLE COSTS.** (a) Except as provided in par. (b), in an action under
11 this section a local governmental unit may recover the reasonable and necessary
12 costs that it incurs for all of the following:

13 1. Investigating environmental contamination on the property and planning
14 remedial activities described in subd. 2.

15 2. Conducting remedial activities to restore the property for its intended future
16 use.

17 3. Administering the activities under subds. 1. and 2. and bringing the action
18 under this section, including costs, disbursements, engineering fees and,
19 notwithstanding s. 814.04 (1), reasonable attorney fees.

20 (b) The costs determined under par. (a) shall be reduced by the fair market
21 value of the property after completion of the activities under par. (a) 2.

22 (c) Recoverable costs under this subsection may not be reduced by the amount
23 of any state or federal moneys received by the local governmental unit for any of the
24 activities under par. (a).

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1 **(5) REPAYING STATE ASSISTANCE.** If a local governmental unit that recovers costs
2 under this section received money from this state, other than under s. 292.11 (7) or
3 292.31 (1), (3) or (7), for any of the activities under sub. (4) (a), the local governmental
4 unit shall reimburse to the state an amount that bears the same proportion to the
5 total amount recovered under this section as the amount received from the state,
6 other than under s. 292.11 (7) or 292.31 (1), (3) or (7), bears to the total costs under
7 sub. (4) (a) adjusted as provided in sub. (4) (b).

8 **(6) EXCEPTION.** A local governmental unit may not recover costs under this
9 section for remedial activities conducted on a property or portion of a property with
10 respect to a discharge after the department of natural resources, the department of
11 commerce or the department of agriculture, trade and consumer protection has
12 indicated that no further remedial activities are necessary on the property or portion
13 of the property with respect to the discharge.

14 **(7) LIMITATION OF ACTION.** An action under this section shall be commenced
15 within 6 years after the date that the local governmental unit completes the
16 activities under sub. (4) (a) 2. or be barred.

17 **SECTION 2613.** 292.57 of the statutes is created to read:

18 **292.57 Database of properties on which groundwater standards are**
19 **exceeded.** **(1)** In this section, “groundwater standard” means an enforcement
20 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.
21 160.01 (6).

22 **(2) (a)** The department may promulgate a rule specifying a fee for placing
23 information concerning a property on which a groundwater standard is exceeded into
24 a database.

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1 (b) Any moneys collected under this subsection shall be credited to the
2 appropriation account under s. 20.370 (2) (mi).

3 **SECTION 2614.** 292.65 (1) (d) 9. of the statutes is created to read:

4 292.65 (1) (d) 9. A formal wear rental firm.

5 **SECTION 2615.** 292.65 (1) (h) 3. of the statutes is created to read:

6 292.65 (1) (h) 3. A person who operated a dry cleaning facility that ceased
7 operating before October 14, 1997.

8 **SECTION 2616.** 292.65 (1) (i) 1. of the statutes is renumbered 292.65 (1) (i) 1.
9 (intro.) and amended to read:

10 292.65 (1) (i) 1. (intro.) A person who owns, or has possession or control of, a
11 ~~dry cleaning facility, or who receives or received~~ direct or indirect consideration from
12 the operation of a ~~dry cleaning facility regardless of whether the dry cleaning facility~~
13 ~~remains in operation and regardless of whether the person owns or receives~~
14 ~~consideration at the time that environmental pollution occurs.~~ any of the following:

15 **SECTION 2617.** 292.65 (1) (i) 1. a. of the statutes is created to read:

16 292.65 (1) (i) 1. a. A dry cleaning facility that is licensed under s. 77.9961 (2).

17 **SECTION 2618.** 292.65 (1) (i) 1. b. of the statutes is created to read:

18 292.65 (1) (i) 1. b. A dry cleaning facility that has ceased operation but that,
19 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
20 before it ceased operation.

21 **SECTION 2619.** 292.65 (1) (i) 3. of the statutes is created to read:

22 292.65 (1) (i) 3. A person who owns the property on which one of the following
23 is located:

24 a. A dry cleaning facility that is licensed under s. 77.9961 (2).

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1 b. A dry cleaning facility that has ceased operation but that was licensed under
2 s. 77.9961 (2) before it ceased operation.

3 **SECTION 2620.** 292.65 (1) (L) of the statutes is amended to read:

4 292.65 (1) (L) “Service provider” means a consultant, testing laboratory,
5 monitoring well installer, soil boring contractor, other contractor, ~~lender~~ or any other
6 person who provides a product or service for which an application for reimbursement
7 has been or will be filed under this section, or a subcontractor of such a person.

8 **SECTION 2621.** 292.65 (3) (am) 2. of the statutes is amended to read:

9 292.65 (3) (am) 2. The department shall pay an award for immediate action
10 activities. ~~For the purposes of this subdivision, removal of contaminated soils and~~
11 ~~recovery of free dry cleaning solvent are not considered immediate action activities.~~

12 **SECTION 2622.** 292.65 (3) (am) 3. of the statutes is repealed and recreated to
13 read:

14 292.65 (3) (am) 3. After paying awards for immediate action activities, the
15 department shall do the following with the remaining funds available for awards
16 under this section:

17 a. In the program year that begins on July 1, 1999, provide 75% to pay awards
18 for eligible costs incurred before October 14, 1997, and provide 25% to pay awards
19 for eligible costs incurred on or after October 14, 1997.

20 b. In the program year that begins on July 1, 2000, provide 50% to pay awards
21 for eligible costs incurred before October 14, 1997, and provide 50% to pay awards
22 for eligible costs incurred on or after October 14, 1997.

23 c. In the program year that begins on July 1, 2001, and every program year
24 thereafter, provide at least 70% as awards to pay eligible costs incurred on or after
25 October 14, 1997.

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1 **SECTION 2623.** 292.65 (4) (f) of the statutes is amended to read:

2 292.65 (4) (f) *Remedial action ~~plan~~ options report*. After completing the
3 investigation under par. (e) and before conducting remedial action activities, an
4 owner or operator shall prepare a remedial action plan options report, based on the
5 investigation under par. (e), that identifies specific remedial action activities
6 proposed to be conducted, except as provided in pars. (g) and (h).

7 **SECTION 2624.** 292.65 (4) (g) of the statutes is amended to read:

8 292.65 (4) (g) *Immediate action*. An owner or operator is not required to
9 complete an investigation or prepare a remedial action ~~plan~~ options report before
10 conducting an immediate action activity if the department determines that an
11 immediate action is necessary.

12 **SECTION 2625.** 292.65 (4) (h) of the statutes is amended to read:

13 292.65 (4) (h) *Interim remedial equipment*. An owner or operator may install
14 interim remedial equipment for which the owner or operator would be eligible for
15 reimbursement under s. 292.66 before completing a site investigation or remedial
16 action ~~plan~~ options report.

17 **SECTION 2626.** 292.65 (4) (i) of the statutes is amended to read:

18 292.65 (4) (i) *Review of site investigation and remedial action ~~plan~~ options*
19 *report*. The department shall, at the request of an owner or operator, review the site
20 investigation results and the remedial action ~~plan~~ options report and advise the
21 owner or operator on the adequacy of the proposed remedial action activities in
22 meeting the requirements of this section. The department shall complete the review
23 of the site investigation and remedial action ~~plan~~ options report within 45 days. The
24 department shall also provide an estimate of when funding will be available to pay

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1 an award for remedial action conducted in response to the dry cleaning solvent
2 discharge.

3 **SECTION 2627.** 292.65 (4) (m) of the statutes is created to read:

4 292.65 (4) (m) *Notification of insurance claims and receipt of proceeds.* An
5 owner or operator shall notify the department of any insurance claim made to cover
6 eligible costs, the status of the claim, and, if the owner or operator has received any
7 insurance proceeds arising from the claim, the amount of the proceeds.

8 **SECTION 2628.** 292.65 (4) (n) of the statutes is created to read:

9 292.65 (4) (n) *Notification of intent to file suit.* An owner or operator shall
10 notify the department of the owner's or operator's intent to file suit against an
11 insurance company for the purpose of recovering the proceeds of an insurance policy
12 intended to cover any eligible costs.

13 **SECTION 2629.** 292.65 (6) of the statutes is repealed.

14 **SECTION 2630.** 292.65 (7) (a) 3. of the statutes is amended to read:

15 292.65 (7) (a) 3. Preparation of remedial action ~~plans~~ options reports.

16 **SECTION 2631.** 292.65 (7) (a) 16. of the statutes is repealed.

17 **SECTION 2632.** 292.65 (7) (b) of the statutes is repealed.

18 **SECTION 2633.** 292.65 (7) (c) 4. of the statutes is amended to read:

19 292.65 (7) (c) 4. Costs that the department determines to be unreasonable or
20 unnecessary to carry out the remedial action activities as specified in the remedial
21 action ~~plan~~ options report.

22 **SECTION 2634.** 292.65 (7) (c) 6. of the statutes is created to read:

23 292.65 (7) (c) 6. Costs of financing eligible activities.

24 **SECTION 2635.** 292.65 (8) (a) (intro.) and 2. of the statutes are amended to read:

SENATE BILL 45**SECTION 2635**

1 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
2 application on a form provided by the department. An owner or operator may not
3 submit an application before September 1, 1998. An owner or operator may not
4 submit an application after August 30, 2003, if the application relates to a dry
5 cleaning facility that ceased to operate before September 1, 1998. An owner or
6 operator may not submit an application after August 20, 2008, if the application
7 relates to any other dry cleaning facility. The department shall authorize owners and
8 operators to apply for awards at stages in the process under sub. (4) that the
9 department specifies by rule. An application shall include all of the following
10 documentation of activities, ~~plans~~ reports and expenditures associated with the
11 eligible costs incurred because of a dry cleaning solvent discharge from a dry cleaning
12 facility:

13 2. A remedial action ~~plan~~ options report.

14 **SECTION 2636.** 292.65 (8) (a) 4m. of the statutes is created to read:

15 292.65 (8) (a) 4m. If the owner or operator receives any proceeds arising from
16 an insurance claim for any eligible costs, a record of the payment.

17 **SECTION 2637.** 292.65 (8) (e) 3a. of the statutes is repealed and recreated to
18 read:

19 292.65 (8) (e) 3a. If eligible costs are \$200,000 or less, \$10,000.

20 **SECTION 2638.** 292.65 (8) (e) 3am. of the statutes is created to read:

21 292.65 (8) (e) 3am. If eligible costs exceed \$200,000 but do not exceed \$400,000,
22 \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000.

23 **SECTION 2639.** 292.65 (8) (e) 3ar. of the statutes is created to read:

24 292.65 (8) (e) 3ar. If eligible costs exceed \$400,000, \$26,000 plus 10% of the
25 amount by which eligible costs exceed \$400,000.

SENATE BILL 45**SECTION 2640**

1 **SECTION 2640.** 292.65 (8) (e) 3b. of the statutes is amended to read:

2 292.65 (8) (e) 3b. ~~For each year in which the owner or operator has not paid the~~
3 ~~annual license fee under s. 77.9961 (1) for the dry cleaning facility, an An amount~~
4 ~~equal to 30 times the average annual license fee paid under s. 77.9961 (1) for that the~~
5 ~~year in which an award is made.~~

6 **SECTION 2641.** 292.65 (8) (e) 3c. of the statutes is amended to read:

7 292.65 (8) (e) 3c. ~~For each year in which the dry cleaning solvents fee under s.~~
8 ~~77.9962 was imposed and the dry cleaning facility was not in operation, an An~~
9 ~~amount equal to 30 times the total amount collected under s. 77.9962 for that the~~
10 ~~year in which an award is made divided by the number of dry cleaning facilities in~~
11 ~~operation during that year.~~

12 **SECTION 2642.** 292.65 (9m) of the statutes is created to read:

13 292.65 (9m) SUBROGATION. The department is subrogated to the rights of an
14 applicant who obtains an award under this section or s. 292.66 in an amount equal
15 to the award and may join in an action by an applicant against an insurance company
16 to recover eligible costs. An applicant who receives an award under this section shall
17 cooperate with the state in any action under this subsection. The amounts collected
18 by the department under this subsection shall be deposited in the dry cleaner
19 environmental response fund.

20 **SECTION 2643.** 292.65 (11) of the statutes is created to read:

21 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
22 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
23 of a discharge of dry cleaning solvent at a dry cleaning facility, the department shall
24 transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental
25 fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3)

SENATE BILL 45**SECTION 2643**

1 (b). The department shall make transfers under this subsection when the
2 department determines that sufficient funds are available in the appropriation
3 account under s. 20.370 (6) (eq).

4 **SECTION 2644.** 292.65 (12m) of the statutes is created to read:

5 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
6 a false or misleading statement in any document submitted to the department under
7 this section.

8 **SECTION 2645.** 292.66 (1) of the statutes is amended to read:

9 292.66 (1) The department shall allocate 46% of the funds appropriated under
10 s. 20.370 (6) (eq) in each fiscal year for awards to reimburse owners and operators
11 for costs of preliminary site screening and the purchase and installation of
12 equipment to begin the cleanup of discharges of dry cleaning solvent from dry
13 cleaning facilities before the completion of full site investigations and remedial
14 action plans options reports. The department may not make an award under this
15 section before September 1, 1998, or after June 30, 2002.

16 **SECTION 2646.** 292.66 (3) of the statutes is amended to read:

17 292.66 (3) An award under this section ~~may not exceed \$15,000, of which not~~
18 ~~more than \$2,500 may be~~ shall equal 50% of the eligible costs, except that an award
19 may not exceed \$20,000. Of the total award, the reimbursement for the preliminary
20 site screening shall equal 50% of the cost of conducting the preliminary site
21 screening, except that the reimbursement for the preliminary site screening may not
22 exceed \$3,000.

23 **SECTION 2647.** 292.66 (5) of the statutes is created to read:

SENATE BILL 45**SECTION 2647**

1 292.66 (5) No person may knowingly make or cause to be made a false or
2 misleading statement in any document submitted to the department under this
3 section.

4 **SECTION 2648.** 292.70 of the statutes is created to read:

5 **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

6 DEFINITION. In this section, “PCBs” has the meaning given in s. 299.45 (1) (a).

7 **(2) INDEMNIFICATION AGREEMENT WITH WINNEBAGO COUNTY.** The department
8 may enter into an agreement with Winnebago County under which this state agrees
9 to indemnify the county and its agencies, officials, employes and agents against any
10 liability or damage resulting from the county’s acceptance for disposal of sediments
11 contaminated with PCBs, if the sediments are disposed of in a manner approved by
12 the department.

13 **(3) INDEMNIFICATION AGREEMENT WITH THE CITY OF OSHKOSH.** The department
14 may enter into an agreement with the city of Oshkosh under which this state agrees
15 to indemnify the city and its agencies, officials, employes and agents against any
16 liability or damage resulting from the city’s acceptance for treatment of leachate that
17 is contaminated with PCBs and that is from a landfill that accepts sediments
18 contaminated with PCBs, if the leachate is treated in a manner approved by the
19 department.

20 **(4) REVIEW AND PAYMENT.** If a claim is filed under an agreement under sub. (2)
21 or (3), the department shall review the claim to determine whether it is valid. A valid
22 claim shall be paid from the appropriation under s. 20.370 (2) (fq).

23 **SECTION 2649.** 292.75 of the statutes is created to read:

24 **292.75 Brownfield site assessment grants. (1) DEFINITIONS.** In this
25 section:

SENATE BILL 45**SECTION 2649**

1 (a) "Eligible site or facility" means an abandoned, idle or underused industrial
2 or commercial facility or site, the expansion or redevelopment of which is adversely
3 affected by actual or perceived environmental contamination.

4 (b) "Local governmental unit" means a city, village, town, county,
5 redevelopment authority created under s. 66.431, community development
6 authority created under s. 66.4325, or housing authority.

7 **(2) DUTIES OF THE DEPARTMENT.** (a) The department shall administer a
8 program to award brownfield site assessment grants from the appropriation under
9 s. 20.370 (6) (et) to local governmental units for the purposes of conducting any of the
10 eligible activities under sub. (3).

11 (b) The department may not award a grant to a local governmental unit under
12 this section if that local governmental unit caused the environmental contamination
13 that is the basis for the grant request.

14 (c) The department may only award grants under this section if the person that
15 caused the environmental contamination that is the basis for the grant request is
16 unknown, cannot be located or is financially unable to pay the cost of the eligible
17 activities.

18 (d) The department shall promulgate rules as necessary to administer the
19 program.

20 **(3) ELIGIBLE ACTIVITIES.** The department may award grants to local
21 governmental units to cover the costs of the following activities:

22 (a) The investigation of environmental contamination on an eligible site or
23 facility for the purposes of reducing or eliminating environmental contamination.

24 (b) The demolition of any structures, buildings or other improvements located
25 on an eligible site or facility.

SENATE BILL 45**SECTION 2649**

1 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
2 eligible site or facility.

3 (d) Asbestos abatement activities, as defined in s. 254.11 (2), conducted on an
4 eligible site or facility.

5 **(4) APPLICATION FOR GRANT.** The applicant shall submit an application on a form
6 prescribed by the department and shall include any information that the department
7 finds necessary to calculate the amount of a grant.

8 **(5) GRANT CRITERIA.** The department shall consider the following criteria when
9 determining whether to award a grant:

10 (a) The local governmental unit's demonstrated commitment to performing and
11 completing necessary environmental remediation activities on the eligible site,
12 including the local governmental unit's financial commitment.

13 (b) The degree to which the project will have a positive impact on public health
14 and the environment.

15 (c) Other criteria that the department finds necessary to calculate the amount
16 of a grant.

17 **(6) LIMITATION OF GRANT.** The total amount of all grants awarded to a local
18 governmental unit in a fiscal year under this section shall be limited to an amount
19 equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the fiscal
20 year.

21 **(7) MATCHING FUNDS.** The department may not distribute a grant unless the
22 applicant contributes matching funds equal to 20% of the grant. Matching funds
23 may be in the form of cash or in-kind contribution or both.

24 **(8) REPAYMENT REQUIREMENT.** If an applicant receives a loan under s. 281.60 for
25 the purpose of conducting activities for which a grant under this section was

SENATE BILL 45**SECTION 2649**

1 awarded, the applicant shall repay the grant to the department. Money collected
2 under this subsection shall be deposited in the environmental fund.

3 **SECTION 2650.** 292.99 (1) of the statutes is amended to read:

4 292.99 (1) Any Except as provided under sub. (1m), any person who violates
5 this chapter or any rule promulgated or any plan approval, license or special order
6 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
7 violation. Each day of continued violation is a separate offense. While an order is
8 suspended, stayed or enjoined, this penalty does not accrue.

9 **SECTION 2651.** 292.99 (1m) of the statutes is created to read:

10 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit
11 not less than \$10 nor more than \$10,000.

12 **SECTION 2652.** 292.99 (2) of the statutes is amended to read:

13 292.99 (2) In addition to the penalties provided under ~~sub.~~ subs. (1) and (1m),
14 the court may award the department of justice the reasonable and necessary
15 expenses of the investigation and prosecution of the violation, including attorney
16 fees. The department of justice shall deposit in the state treasury for deposit into the
17 general fund all moneys that the court awards to the department or the state under
18 this subsection. Ten percent of the money deposited in the general fund that was
19 awarded under this subsection for the costs of investigation and the expenses of
20 prosecution, including attorney fees, shall be credited to the appropriation account
21 under s. 20.455 (1) (gh).

22 **SECTION 2653.** 295.11 (10) of the statutes is amended to read:

23 295.11 (10) "Solid waste" means any garbage, refuse, sludge from a waste
24 treatment plant, water supply treatment plant or air pollution control facility and
25 other discarded or salvageable materials, including solid, liquid, semisolid, or

SENATE BILL 45**SECTION 2653**

1 contained gaseous materials resulting from industrial, commercial, mining and
2 agricultural operations, and from community activities, but does not include solids
3 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
4 return flows or industrial discharges which are point sources subject to permits
5 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
6 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
7 ~~(9)~~ (1).

8 **SECTION 2654.** 299.07 (1) (a) 11. of the statutes is amended to read:

9 299.07 (1) (a) 11. A certification, accreditation or registration under s. 299.11.

10 **SECTION 2655.** 299.11 (1) (a) of the statutes is renumbered 299.11 (1) (am).

11 **SECTION 2656.** 299.11 (1) (ae) of the statutes is created to read:

12 299.11 (1) (ae) “Accredited” means accredited under sub. (8m) or recognized as
13 accredited under sub. (5).

14 **SECTION 2657.** 299.11 (1) (b) of the statutes is amended to read:

15 299.11 (1) (b) “Certified laboratory” means a ~~laboratory which performs tests~~
16 ~~for hire in connection with a covered program and which receives certification~~
17 certified under sub. (7) or ~~receives recognition~~ recognized as a certified laboratory
18 under sub. (5).

19 **SECTION 2658.** 299.11 (1) (em) of the statutes is created to read:

20 299.11 (1) (em) “National Environmental Laboratory Accreditation
21 Conference” means the voluntary association of state and federal officials, sponsored
22 by the federal environmental protection agency, with the purpose of establishing
23 national performance standards for environmental laboratories.

24 **SECTION 2659.** 299.11 (1) (eq) of the statutes is created to read:

SENATE BILL 45**SECTION 2659**

1 299.11 (1) (eq) “National environmental laboratory accreditation program”
2 means the program of the federal environmental protection agency that oversees the
3 implementation of national performance standards established by the National
4 Environmental Laboratory Accreditation Conference and determines whether to
5 approve state and federal agencies as accrediting authorities for environmental
6 laboratories.

7 **SECTION 2660.** 299.11 (1) (g) of the statutes is amended to read:

8 299.11 (1) (g) “Registered laboratory” means a laboratory which is registered
9 under sub. (8) or ~~receives recognition~~ recognized as a registered laboratory under
10 sub. (5).

11 **SECTION 2661.** 299.11 (3) of the statutes is amended to read:

12 299.11 (3) CERTIFICATION STANDARDS REVIEW COUNCIL. The council shall review
13 the laboratory certification and, registration and accreditation program and shall
14 make recommendations to the department concerning the specification of test
15 categories, reference sample testing and standards for certification, registration,
16 accreditation, suspension and revocation and other aspects of the program.
17 Recommendations concerning accreditations shall be consistent with the standards
18 established by the National Environmental Laboratory Accreditation Conference.

19 **SECTION 2662.** 299.11 (4) (title) and (a) of the statutes are amended to read:

20 299.11 (4) (title) DEPARTMENT MAY REQUIRE ACCREDITATION, CERTIFICATION OR
21 REGISTRATION. (a) *Applicability*. Except as provided in subs. (5) and (6), if results from
22 a test in a specified test category in a covered program are required to be submitted
23 to the department, the department may require by rule that the test be conducted
24 by a laboratory which is accredited, certified or registered to conduct tests in that
25 specified category. The department may require that tests be conducted by a an

SENATE BILL 45**SECTION 2662**

1 accredited or certified laboratory if the requirements for registration do not meet the
2 requirements of an applicable federal law.

3 **SECTION 2663.** 299.11 (4) (c) of the statutes is amended to read:

4 299.11 (4) (c) *Delayed effective date.* A rule identifying specified test categories
5 for which tests are required to be conducted by a an accredited, certified or registered
6 laboratory may not take effect until at least 120 days after publication. The
7 department may not require a person to resubmit results of tests which were not
8 required to be conducted by a an accredited, certified or registered laboratory at the
9 time of the original submission merely because of that fact.

10 **SECTION 2664.** 299.11 (5) (title) of the statutes is amended to read:

11 299.11 (5) (title) RECOGNITION OF OTHER ACCREDITATION, CERTIFICATION OR
12 REGISTRATION.

13 **SECTION 2665.** 299.11 (5) (cm) of the statutes is created to read:

14 299.11 (5) (cm) *Reciprocity for national accreditation.* If the department is
15 approved as an accrediting authority under sub. (8m) (a) and another accrediting
16 authority under the national environmental laboratory accreditation program
17 recognizes accreditation by the department under sub. (8m), the department shall
18 recognize a laboratory as accredited to conduct tests in any test category for which
19 the laboratory is accredited by that other accrediting authority.

20 **SECTION 2666.** 299.11 (5) (d) of the statutes is amended to read:

21 299.11 (5) (d) *Discretionary acceptance.* The department may accept the
22 results of a test in a specified test category even though the test was not conducted
23 by a an accredited, certified or registered laboratory. The department may charge
24 an extra fee if it is necessary to verify the results of a test submitted under this
25 paragraph.

SENATE BILL 45**SECTION 2667**

1 **SECTION 2667.** 299.11 (6) of the statutes is amended to read:

2 299.11 **(6)** NOT APPLICABLE TO OTHER PROGRAMS. No laboratory is required to be
3 accredited, registered or certified under this section for any purpose other than the
4 submission of results under a covered program.

5 **SECTION 2668.** 299.11 (8m) of the statutes is created to read:

6 299.11 **(8m)** ACCREDITATION. (a) The department may apply to be approved as
7 an accrediting authority under the national environmental laboratory accreditation
8 program.

9 (b) If the department is approved as an accrediting authority under par. (a), the
10 department shall, after considering recommendations by the council, promulgate a
11 rule prescribing criteria to be used to evaluate laboratories for accreditation and the
12 procedures for accrediting laboratories. The criteria shall be consistent with the
13 standards established by the National Environmental Laboratory Accreditation
14 Conference.

15 **SECTION 2669.** 299.11 (9) of the statutes is amended to read:

16 299.11 **(9)** FEES. The department shall promulgate by rule a graduated
17 schedule of fees for accredited, certified and registered laboratories which are
18 designed to recover the costs of administering this section.

19 **SECTION 2670.** 299.13 (title) of the statutes is amended to read:

20 **299.13 (title) ~~Hazardous pollution~~ Pollution prevention.**

21 **SECTION 2671.** 299.13 (1) (be) of the statutes is created to read:

22 299.13 **(1)** (be) “Center” means the solid and hazardous waste education center
23 under s. 36.25 (30).

24 **SECTION 2672.** 299.13 (1) (c) of the statutes is repealed.

25 **SECTION 2673.** 299.13 (1) (dm) of the statutes is created to read:

SENATE BILL 45**SECTION 2673**

1 299.13 (1) (dm) 1. “Pollution prevention” means an action that does any of the
2 following:

3 a. Prevents waste from being created.

4 b. Reduces the amount of waste that is created.

5 c. Changes the nature of waste being created in a way that reduces the hazards
6 to public health or the environment posed by the waste.

7 2. “Pollution prevention” does not include incineration, recycling or treatment
8 of a waste, changes in the manner of disposal of a waste or any practice that changes
9 the characteristics or volume of a waste if the practice is not part of the process that
10 produces a product or provides a service.

11 **SECTION 2674.** 299.13 (1) (e) of the statutes is repealed.

12 **SECTION 2675.** 299.13 (1m) (intro.) of the statutes is amended to read:

13 299.13 (1m) PROMOTION OF ~~HAZARDOUS~~ POLLUTION PREVENTION. (intro.) In
14 carrying out the duties under this section and ss. 36.25 (30) and 560.19, the
15 department, the department of commerce and the ~~program center~~ shall promote all
16 of the following techniques for ~~hazardous~~ pollution prevention:

17 **SECTION 2676.** 299.13 (1m) (f) of the statutes is created to read:

18 299.13 (1m) (f) Reducing energy use.

19 **SECTION 2677.** 299.13 (1m) (g) of the statutes is created to read:

20 299.13 (1m) (g) Training employes to minimize waste.

21 **SECTION 2678.** 299.13 (2) (a) of the statutes is amended to read:

22 299.13 (2) (a) Designate an employe of the department to serve as ~~hazardous~~
23 pollution prevention coordinator and to do all of the following:

24 2. Recommend educational priorities to the university of Wisconsin–extension
25 for the ~~program center~~, considering volume and toxicity of hazardous substances,

SENATE BILL 45**SECTION 2678**

1 toxic pollutants and hazardous waste produced, lack of compliance with
2 environmental standards, potential for hazardous pollution prevention and
3 projected shortfalls in hazardous waste treatment or disposal facilities under the
4 capacity assurance plan.

5 3. Coordinate the department's hazardous pollution prevention efforts with
6 those of other governmental agencies and private groups.

7 4. Provide training concerning hazardous pollution prevention to employees of
8 the department.

9 **SECTION 2679.** 299.13 (2) (b) of the statutes is amended to read:

10 299.13 (2) (b) Identify all department requirements for reporting on hazardous
11 pollution prevention and, to the extent possible and practical, standardize,
12 coordinate and consolidate the reporting in order to minimize duplication and
13 provide useful information on hazardous pollution prevention to the legislature and
14 the public.

15 **SECTION 2680.** 299.13 (2) (d) of the statutes is amended to read:

16 299.13 (2) (d) Seek federal funding to promote hazardous pollution prevention.

17 **SECTION 2681.** 299.15 (3) (cm) 2. of the statutes is amended to read:

18 299.15 (3) (cm) 2. In any fiscal year, the department may not charge total fees
19 under par. (am) that exceed ~~\$7,450,000~~ \$7,925,000.

20 **SECTION 2682.** 299.95 of the statutes is amended to read:

21 **299.95 Enforcement; duty of department of justice; expenses.** The
22 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
23 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan
24 approvals and permits of the department, except those promulgated or issued under
25 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86. The circuit

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1 court for Dane county or for any other county where a violation occurred in whole or
2 in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or
3 the rule, special order, license, plan approval or permit by injunctive and other
4 relief appropriate for enforcement. For purposes of this proceeding where chs. 281
5 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval
6 or permit prohibits in whole or in part any pollution, a violation is considered a public
7 nuisance. The department of natural resources may enter into agreements with the
8 department of justice to assist with the administration of chs. 281 to 285 and 289 to
9 295 and this chapter. Any funds paid to the department of justice under these
10 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

11 **SECTION 2683.** 301.01 (2) (b) of the statutes is amended to read:

12 301.01 (2) (b) Any resident of a secured correctional facility, as defined in s.
13 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~
14 a secured group home.

15 **SECTION 2684.** 301.01 (3k) of the statutes is created to read:

16 301.01 (3k) “Secured child caring institution” has the meaning given in s.
17 938.02 (15g).

18 **SECTION 2685.** 301.01 (3m) of the statutes is created to read:

19 301.01 (3m) “Secured correctional facility” has the meaning given in s. 938.02
20 (15m).

21 **SECTION 2686.** 301.01 (3p) of the statutes is created to read:

22 301.01 (3p) “Secured group home” has the meaning given in s. 938.02 (15p).

23 **SECTION 2687.** 301.01 (4) of the statutes is amended to read:

SENATE BILL 45**SECTION 2687**

1 301.01 (4) “State correctional institution” means a state prison under s. 302.01
2 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~
3 ~~Mendota Juvenile Treatment Center~~ operated by the department.

4 **SECTION 2688.** 301.027 of the statutes is amended to read:

5 **301.027 Treatment program at one or more juvenile secured**
6 **correctional institutions facilities.** The department shall maintain a
7 cottage-based intensive alcohol and other drug abuse program at one or more
8 juvenile secured correctional institutions facilities.

9 **SECTION 2689.** 301.029 of the statutes is created to read:

10 **301.029 Contracts requiring prisoner access to personal information.**

11 (1) In this section, “financial transaction card” has the meaning given in s. 943.41
12 (1) (em).

13 (2) (a) The department may not enter into any contract or other agreement if,
14 in the performance of the contract or agreement, a prisoner would perform data entry
15 or telemarketing services and have access to an individual’s financial transaction
16 card numbers, checking or savings account numbers or social security number.

17 (b) The department may not enter into any contract or other agreement if, in
18 the performance of the contract or agreement, a prisoner would perform data entry
19 services or telemarketing services and have access to any information that may serve
20 to identify a minor.

21 **SECTION 2690.** 301.03 (10) (d) of the statutes is amended to read:

22 301.03 (10) (d) Administer the office of juvenile offender review in the division
23 of juvenile corrections in the department. The office shall be responsible for decisions
24 regarding case planning, the release of juvenile offenders from juvenile secured
25 correctional institutions facilities, secured child caring institutions or secured group

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1 homes to aftercare placements and the transfer of juveniles to the Racine youthful
2 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

3 **SECTION 2691.** 301.03 (10) (e) of the statutes is amended to read:

4 301.03 (10) (e) Provide educational programs in all secured correctional
5 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~
6 Center operated by the department.

7 **SECTION 2692.** 301.03 (10) (f) of the statutes is amended to read:

8 301.03 (10) (f) Provide health services and psychiatric services for residents of
9 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~
10 Mendota Juvenile Treatment Center operated by the department.

11 **SECTION 2693.** 301.08 (1) (b) 3. of the statutes is amended to read:

12 301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the
13 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~
14 ~~in s. 938.02 (15m),~~ child caring institutions, as defined in s. 938.02 (2c), and secured
15 child caring institutions, ~~as defined in s. 938.02 (15g),~~ for the placement of juveniles
16 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
17 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional
18 facility, child caring institution or a secured child caring institution contracted for
19 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02
20 (20), and may designate a child caring institution or secured child caring institution
21 contracted for under this subdivision as a Type 2 child caring institution, as defined
22 in s. 938.02 (19r).

23 **SECTION 2694.** 301.08 (1) (b) 4. of the statutes is created to read:

24 301.08 (1) (b) 4. Contract with not more than one county for the operation of
25 a secured group home for the placement of juveniles who have been convicted under

SENATE BILL 45**SECTION 2694**

1 s. 938.183 or adjudicated delinquent under s. 983.183 or 938.34 (4h) or (4m). The
2 contract shall specify that the county operating the secured group home must comply
3 with all rules of the department that are applicable to the treatment of juveniles who
4 are placed in a secured correctional facility.

5 **SECTION 2695.** 301.16 (1q) of the statutes is created to read:

6 301.16 (1q) The department shall establish a probation and parole holding and
7 alcohol and other drug abuse treatment facility to provide 600 beds in southeastern
8 Wisconsin, as enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and shall
9 locate the facility in Milwaukee.

10 **SECTION 2696.** 301.16 (1r) of the statutes is amended to read:

11 301.16 (1r) In addition to the institutions under sub. (1), the department shall
12 establish a ~~medium~~ maximum security correctional institution for persons 15 years
13 of age or over, but not more than 21 years of age, who have been placed in a state
14 prison under s. 302.01. The ~~medium~~ maximum security correctional institution
15 under this subsection shall be known as the Racine Youthful Offender Correctional
16 Facility and shall be located at the intersection of Albert Street and North Memorial
17 Drive in the city of Racine. The department shall limit the number of prisoners who
18 may be placed at the Racine Youthful Offender Correctional Facility to no more than
19 400 at any one time.

20 **SECTION 2697.** 301.16 (1s) of the statutes is created to read:

21 301.16 (1s) In addition to the institutions under sub. (1), the department shall
22 establish a medium security correctional facility that is part of the correctional
23 facility or facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and
24 that is located in Redgranite.

25 **SECTION 2698.** 301.16 (1t) of the statutes is created to read:

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1 301.16 (1t) In addition to the institutions under sub. (1), the department shall
2 establish a medium security correctional facility that is part of the correctional
3 facility or facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and
4 that is located in New Lisbon.

5 **SECTION 2699.** 301.205 of the statutes is amended to read:

6 **301.205 Reimbursement to visiting families.** The department may
7 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~
8 ~~938.02 (15m).~~ If the department decides to provide the reimbursement, ~~it~~ the
9 department shall establish criteria for the level of reimbursement, which shall
10 include family income and size and other relevant factors.

11 **SECTION 2700.** 301.26 (4) (c) of the statutes is amended to read:

12 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of
13 corrections shall pay, from the appropriation ~~account~~ under s. 20.410 (3) (hm), (ho)
14 or (hr), the costs of care, services and supplies provided for each person receiving
15 services under s. 46.057, 48.366, 51.35 (3), 938.183 or 938.34 who was under the
16 guardianship of the department of health and family services pursuant to an order
17 under ch. 48 at the time that the person was adjudicated delinquent.

18 **SECTION 2701.** 301.26 (4) (cm) 1. of the statutes is amended to read:

19 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
20 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
21 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
22 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
23 ~~938.02 (15g)~~, secured group homes, alternate care providers, aftercare supervision
24 providers and corrective sanctions supervision providers for costs incurred
25 beginning on July 1, 1996, for the care of any juvenile 14 years of age or over who has

SENATE BILL 45**SECTION 2701**

1 been placed in a juvenile secured correctional facility based on a delinquent act that
2 is a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31,
3 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1),
4 948.025, 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years
5 of age or over who has been placed in a juvenile secured correctional institution or
6 a facility, secured child caring institution or secured group home for attempting or
7 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

8 **SECTION 2702.** 301.26 (4) (cm) 2. of the statutes is amended to read:

9 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
10 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
11 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
12 correctional institutions facilities, secured child caring institutions, as defined in s.
13 938.02 (15g), alternate care providers, aftercare supervision providers and corrective
14 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
15 care of any juvenile 14 years of age or over and under 18 years of age who has been
16 placed in a juvenile secured correctional facility under s. 48.366 based on a
17 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

18 **SECTION 2703.** 301.26 (4) (d) 2. of the statutes is amended to read:

19 301.26 (4) (d) 2. Beginning on July 1, 1997 1999, and ending on
20 December 31, 1997 1999, the per person daily cost assessment to counties shall be
21 \$150.44 \$157.29 for care in a Type 1 secured correctional facility, as defined in s.
22 938.02 (19), \$150.44 \$157.29 for care for juveniles transferred from a juvenile
23 correctional institution under s. 51.35 (3), \$160.22 \$169.24 for care in a child caring
24 institution, including a secured child caring institution, \$111.16 \$117.42 for care in
25 a group home for children, \$24.78 \$26.17 for care in a foster home, \$71.35 \$75.37 for

SENATE BILL 45**SECTION 2703**

1 care in a treatment foster home, ~~\$88.19~~ \$85.18 for departmental corrective sanctions
2 services and ~~\$16.98~~ \$16.85 for departmental aftercare services.

3 **SECTION 2704.** 301.26 (4) (d) 3. of the statutes is amended to read:

4 301.26 (4) (d) 3. In calendar year ~~1998~~ 2000, the per person daily cost
5 assessment to counties shall be ~~\$154.94~~ \$158.46 for care in a Type 1 secured
6 correctional facility, as defined in s. 938.02 (19), ~~\$154.94~~ \$158.46 for care for juveniles
7 transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$161.79~~
8 \$172.46 for care in a child caring institution, including a secured child caring
9 institution, ~~\$112.25~~ \$119.65 for care in a group home for children, ~~\$25.02~~ \$26.67 for
10 care in a foster home, ~~\$72.05~~ \$76.80 for care in a treatment foster home, ~~\$80.41~~
11 \$80.67 for departmental corrective sanctions services and ~~\$17.18~~ \$17.03 for
12 departmental aftercare services.

13 **SECTION 2705.** 301.26 (4) (d) 4. of the statutes is amended to read:

14 301.26 (4) (d) 4. Beginning on January 1, ~~1999~~ 2001, and ending on June 30,
15 ~~1999~~ 2001, the per person daily cost assessment to counties shall be ~~\$159.46~~ \$159.62
16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$159.46~~
17 \$159.62 for care for juveniles transferred from a juvenile correctional institution
18 under s. 51.35 (3), ~~\$163.36~~ \$175.67 for care in a child caring institution, including
19 a secured child caring institution, ~~\$113.34~~ \$121.88 for care in a group home for
20 children, ~~\$25.26~~ \$27.16 for care in a foster home, ~~\$72.75~~ \$78.23 for care in a
21 treatment foster home, ~~\$74.35~~ \$76.67 for departmental corrective sanctions services
22 and ~~\$17.39~~ \$17.20 for departmental aftercare services.

23 **SECTION 2706.** 301.26 (4) (dt) of the statutes is amended to read:

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1 301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile
2 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to
3 the appropriation account under s. 20.410 (3) (hm).

4 **SECTION 2707.** 301.26 (4) (e) of the statutes is amended to read:

5 301.26 (4) (e) For foster care, treatment foster care, group home care, including
6 secured group home care, and institutional child care to delinquent juveniles under
7 ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made
8 under this subsection and uniform fee collections under s. 301.03 (18) shall be
9 credited to the appropriation account under s. 20.410 (3) (ho).

10 **SECTION 2708.** 301.26 (4) (ed) of the statutes is amended to read:

11 301.26 (4) (ed) For foster care, treatment foster care, group home care,
12 including secured group home care, and institutional child care to serious juvenile
13 offenders under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all uniform fee
14 collections under s. 301.03 (18) shall be credited to the appropriation account under
15 s. 20.410 (3) (ho).

16 **SECTION 2709.** 301.26 (4) (g) of the statutes is amended to read:

17 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.
18 938 and for the office of juvenile offender review, all payments and deductions made
19 under this subsection and uniform fee collections under s. 301.03 (18) shall be
20 deposited in the general fund and shall be treated as a nonappropriated receipt
21 credited to the appropriation account under s. 20.410 (3) (hm).

22 **SECTION 2710.** 301.263 (3) of the statutes is amended to read:

23 301.263 (3) The department shall distribute 33% of the amounts distributed
24 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
25 reported statewide under the uniform crime reporting system of the office of justice

SENATE BILL 45**SECTION 2710**

1 assistance in the department of administration, during the most recent 2-year
2 period for which that information is available. The department shall distribute 33%
3 of the amounts distributed under sub. (1) based on each county's proportion of the
4 number of juveniles statewide who are placed in a juvenile secured correctional
5 ~~institution or facility~~, a secured child caring institution, as defined in s. 938.02 (15g),
6 or a secured group home during the most recent 2-year period for which that
7 information is available. The department shall distribute 34% of the amounts
8 distributed under sub. (1) based on each county's proportion of the total Part I
9 juvenile arrests reported statewide under the uniform crime reporting system of the
10 office of justice assistance, during the most recent 2-year period for which that
11 information is available.

12 **SECTION 2711.** 301.27 (2) of the statutes is amended to read:

13 301.27 (2) VENDING STANDS. The department shall establish and maintain a
14 revolving fund not exceeding ~~\$60,000~~ \$100,000 in any of the state institutions
15 administered by the department, for the education, recreation and convenience of
16 the patients, inmates and employees, to be used for the operation of vending stands,
17 canteen operations, reading clubs, musical organizations, religious programs,
18 athletics and similar projects. The funds are exempt from s. 20.906, but are subject
19 to audit by the department and the legislative audit bureau in its discretion.

20 **SECTION 2712.** 301.36 (1) of the statutes is amended to read:

21 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
22 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured
23 correctional facilities, all secured child caring institutions, all secured group homes
24 and all secure detention facilities and familiarize itself with all of the circumstances
25 affecting their management and usefulness.

SENATE BILL 45**SECTION 2713**

1 **SECTION 2713.** 301.37 (1) of the statutes is amended to read:

2 301.37 (1) The department shall fix reasonable standards and regulations for
3 the design, construction, repair and maintenance of all houses of correction,
4 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,
5 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
6 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities
7 under s. 303.09 and, after consulting with the department of health and family
8 services, all secured group homes and secure detention facilities operated by county
9 departments under s. 46.215, 46.22 or 46.23, with respect to their adequacy and
10 fitness for the needs which they are to serve.

11 **SECTION 2714.** 301.45 (1) (b) of the statutes is amended to read:

12 301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~
13 ~~(15m), or a secured child caring institution, as defined in s. 938.02 (15g), or a secured~~
14 group home or is on probation, extended supervision, parole, supervision or aftercare
15 supervision on or after December 25, 1993, for any violation, or for the solicitation,
16 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
17 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
18 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
19 victim's parent.

20 **SECTION 2715.** 301.45 (1) (bm) of the statutes is amended to read:

21 301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~
22 ~~938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or~~
23 a secured group home or is on probation, extended supervision, parole, supervision
24 or aftercare supervision on or after December 25, 1993, for a violation, or for the
25 solicitation, conspiracy or attempt to commit a violation, of a law of this state that

SENATE BILL 45**SECTION 2715**

1 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,
2 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a
3 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the
4 victim's parent.

5 **SECTION 2716.** 301.45 (3) (a) 2. of the statutes is amended to read:

6 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
7 correctional facility ~~or~~, a secured child caring institution or a secured group home,
8 he or she is subject to this subsection upon being released on parole, extended
9 supervision or aftercare supervision.

10 **SECTION 2717.** 301.45 (5) (a) 2. of the statutes is amended to read:

11 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
12 correctional facility ~~or~~, a secured child caring institution or a secured group home,
13 15 years after discharge from parole or aftercare supervision.

14 **SECTION 2718.** 302.01 of the statutes is amended to read:

15 **302.01 State prisons named and defined.** The penitentiary at Waupun is
16 named "Waupun Correctional Institution". The correctional treatment center at
17 Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay
18 is named "Green Bay Correctional Institution". The medium/maximum penitentiary
19 at Portage is named "Columbia Correctional Institution". The medium security
20 institution at Oshkosh is named "Oshkosh Correctional Institution". The medium
21 security penitentiary near Fox Lake is named "Fox Lake Correctional Institution".
22 The penitentiary at Taycheedah is named "Taycheedah Correctional Institution".
23 The medium security penitentiary at Plymouth is named "Kettle Moraine
24 Correctional Institution". The penitentiary at the village of Sturtevant in Racine
25 county is named "Racine Correctional Institution". The medium security

SENATE BILL 45**SECTION 2718**

1 penitentiary near Black River Falls is named "Jackson Correctional Institution".
2 The ~~medium~~ maximum security penitentiary at Racine is named "Racine Youthful
3 Offender Correctional Facility". The resource facility at Oshkosh is named
4 "Wisconsin Resource Center". The institutions named in this section, the
5 correctional ~~institution~~ institutions authorized under s. 301.16 (1n), (1s) and (1t),
6 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a),
7 correctional institution authorized under s. 301.046 (1), correctional institution
8 authorized under s. 301.048 (4) (b), minimum security correctional institutions
9 authorized under s. 301.13, the probation and parole holding and alcohol and other
10 drug abuse treatment facility authorized under s. 301.16 (1q) and state-local shared
11 correctional facilities when established under s. 301.14, are state prisons.

12 **SECTION 2719.** 340.01 (3) (b) of the statutes is amended to read:

13 340.01 (3) (b) Conservation wardens' vehicles or foresters' trucks, whether
14 publicly or privately owned; Conservation wardens' vehicles include all-terrain
15 vehicles and snowmobiles being operated by conservation wardens.

16 **SECTION 2720.** 340.01 (3) (bm) of the statutes is created to read:

17 340.01 (3) (bm) A snowmobile operated by an employe of the department of
18 natural resources who is authorized to exercise the authority of the department of
19 natural resources under s. 23.11 (4).

20 **SECTION 2721.** 341.135 (1) of the statutes is amended to read:

21 341.135 (1) DESIGN. The Not later than July 1, 2000, and every 6th year
22 thereafter, the department shall establish new designs of registration plates to be
23 issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h)
24 and (j) and (2) (a), (b) and (c) and 341.26 (2) and (3) (a) 1. and (am). The Any design
25 for registration plates issued for automobiles and for vehicles registered on the basis

SENATE BILL 45**SECTION 2721**

1 of gross weight shall comply with the applicable design requirements of ss. 341.12
2 (3), 341.13 and 341.14 (6r) (c). The designs for registration plates specified in this
3 subsection shall be as similar in appearance as practicable during each 6-year
4 design interval. Each registration plate issued under s. 341.14 (1a), (1m), (1q), (2),
5 (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) or (j) or (2) (a), (b) or (c) or 341.26 (2) or (3)
6 (a) 1. or (am) during each 6-year design interval shall be of the design established
7 under this subsection. The department may not redesign registration plates for the
8 special group under s. 341.14 (6r) (f) 53. until January 1, 2005.

9 **SECTION 2722.** 341.135 (2) (a) of the statutes is renumbered 341.135 (2) (a) 1.
10 and amended to read:

11 341.135 (2) (a) 1. Beginning with registrations initially effective on
12 July 1, 2000, upon receipt of a completed application to initially register a vehicle
13 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), except s. 341.14 (6r) (f) ~~52.~~ 53.,
14 or s. 341.25 (1) (a), (c), (h) ~~and or (j) and or (2) (a), (b) and or (c) or 341.26 (2) and or~~
15 (3) (a) 1. ~~and or (am)~~, the department shall issue and deliver prepaid to the applicant
16 2 new registration plates of the design established under sub. (1).

17 (am) Notwithstanding ss. 341.13 (3) and (3m), beginning with registrations
18 initially effective on July 1, 2000, upon receipt of a completed application to renew
19 the registration of a vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m)
20 or (6r), except s. 341.14 (6r) (f) ~~52.~~ 53., or s. 341.25 (1) (a), (c), (h) ~~and or (j) and or (2)~~
21 (a), (b) ~~and or (c)~~ for which a registration plate of the design established under sub.
22 (1) has not been issued, the department may issue and deliver prepaid to the
23 applicant 2 new registration plates of the design established under sub. (1). This
24 subdivision does not apply to registration plates issued under s. 341.14 (6r) (f) 52.,
25 1997 stats. This subdivision does not apply after June 30, 2005.

SENATE BILL 45**SECTION 2723**

1 **SECTION 2723.** 341.135 (2) (a) 2. of the statutes is created to read:

2 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations
3 initially effective on July 1, 2005, upon receipt of a completed application to initially
4 register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), or s. 341.25
5 (1) (a), (c), (h) or (j) or (2) (a), (b) or (c) or 341.26 (2) or (3) (a) 1. or (am), or to renew
6 the registration of a vehicle under those sections for which a registration plate has
7 not been issued during the previous 6 years, the department shall issue and deliver
8 prepaid to the applicant 2 new registration plates of the design established for that
9 6-year period under sub. (1). This subdivision does not apply to registration plates
10 issued under s. 341.14 (6r) (f) 52., 1997 stats.

11 **SECTION 2724.** 341.135 (2) (e) of the statutes is amended to read:

12 341.135 (2) (e) The department shall issue new registration plates of the design
13 established under sub. (1) for every vehicle registered under ~~ss. s.~~ 341.14 (1a), (1m),
14 (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) ~~and or~~ (j) ~~and or~~ (2) (a), (b) ~~and or~~
15 (c) ~~and or~~ 341.26 (2) ~~and or~~ (3) (a) 1. ~~and or~~ (am) by July 1, 2003 within 5 years after
16 the date specified in sub. (1), except that the department may not issue registration
17 plates of a new design for a vehicle registered under s. 341.14 (6r) (f) 53. until
18 January 1, 2005.

19 **SECTION 2725.** 341.135 (3) of the statutes is repealed.

20 **SECTION 2726.** 341.14 (6m) (a) of the statutes is amended to read:

21 341.14 (6m) (a) Upon application to register an automobile, station wagon or
22 motor truck which has a gross weight of not more than 8,000 pounds by any person
23 who is a resident of this state and a member or retired member of the national guard,
24 the department shall issue to the person special plates whose colors and design shall
25 be determined by the department, ~~after consultation with the adjutant general,~~ and

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1 which have the words “Wisconsin guard member” placed on the plates in the manner
2 designated by the department. The department shall consult with or obtain the
3 approval of the adjutant general with respect to any word or symbol used to identify
4 the national guard. An additional fee of \$10 shall be charged for the issuance of the
5 plates. Registration plates issued under this subsection shall expire annually.

6 **SECTION 2727.** 341.14 (6r) (c) of the statutes is amended to read:

7 341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the
8 name of the applicable authorized special group, a symbol representing the special
9 group, not exceeding one position, and identifying letters or numbers or both, not
10 exceeding 6 positions and not less than one position. The department shall specify
11 the design for special group plates, but the department shall consult the president
12 of the ~~university~~ University of Wisconsin system System before specifying the design
13 ~~for word or symbol used to identify the special group plates~~ groups under par. (f) 35.
14 to 47., the secretary of natural resources before specifying the design ~~for word or~~
15 symbol used to identify the special group plate group under par. (f) 50. and the child
16 abuse and neglect prevention board before specifying the design ~~for word or symbol~~
17 used to identify the special group plate under par. (f) 53. Special group plates under
18 par. (f) 50. shall be as similar as possible to regular registration plates in color and
19 design.

20 **SECTION 2728.** 341.14 (6r) (e) of the statutes is amended to read:

21 341.14 (6r) (e) The department shall specify one combination of colors for
22 special group plates for groups or organizations which are not military in nature and
23 not special group plates under par. (f) 35. to 47. and 50. The department, ~~after~~
24 ~~consulting the president of the university of Wisconsin system,~~ shall specify one
25 combination of colors for special group plates under par. (f) 35. to 47. The department

SENATE BILL 45**SECTION 2728**

1 shall specify the word or words comprising the special group name and the symbol
2 to be displayed upon special group plates for a group or organization which is not
3 military in nature after consultation with the chief executive officer in this state of
4 the group or organization, ~~except that the department may not specify the word or~~
5 ~~words or the symbol for special group plates under par. (f) 35. to 47. unless the word~~
6 ~~or words or symbol is approved in writing by the president of the university of~~
7 ~~Wisconsin system or, with respect to endangered resources, specify the word or words~~
8 ~~or the symbol for special group plates under par. (f) 50. unless the word or words or~~
9 ~~symbol is approved in writing by the secretary of natural resources or, with respect~~
10 ~~to child abuse and neglect prevention, specify any word or words other than~~
11 ~~“Children First” or the symbol for special group plates under par. (f) 53. unless the~~
12 ~~word or words or symbol is approved in writing by the child abuse and neglect~~
13 ~~prevention board. The president may not approve the word or words or symbol for~~
14 ~~a university specified under par. (f) 35. to 47. unless the chancellor of the university~~
15 ~~approves in writing the word or words or symbol. The department shall require that~~
16 ~~the word or words and symbol for a university specified under par. (f) 35. to 47. be~~
17 ~~a registration decal or tag and affixed to the special group plate and be of the colors~~
18 ~~for a university specified under par. (f) 35. to 47. that the president of the university~~
19 University of Wisconsin system System specifies.

20 **SECTION 2729.** 341.14 (6r) (f) 53. of the statutes is amended to read:

21 341.14 (6r) (f) 53. Persons interested in obtaining a plate with the words
22 “~~Children First~~” “Celebrate Children” on it to show their support of the prevention
23 of child abuse and neglect.

24 **SECTION 2730.** 341.19 (1) (b) of the statutes is amended to read:

SENATE BILL 45**SECTION 2730**

1 341.19 (1) (b) ~~Five~~ Ten dollars per vehicle as a late payment for fees received
2 after the time period established by the department.

3 **SECTION 2731.** 341.25 (1) (gd) of the statutes is amended to read:

4 341.25 (1) (gd) For each trailer or semitrailer ~~or camping trailer~~ having a gross
5 weight of 3,000 pounds or less and used for hire or rental, a fee which is one-half of
6 the fee prescribed for a motor truck of the same maximum gross weight. The
7 maximum gross weight shall be determined in the same manner as for a motor truck.
8 A trailer under this paragraph which is part of a fleet of 100 or more trailers used
9 for hire or rental may be registered under s. 341.308.

10 **SECTION 2732.** 341.25 (1) (i) of the statutes is amended to read:

11 341.25 (1) (i) For each mobile home, and for each camping trailer ~~having a gross~~
12 ~~weight of more than 3,000 pounds~~, a fee of \$15.

13 **SECTION 2733.** 341.255 (4) of the statutes is repealed.

14 **SECTION 2734.** 341.26 (2g) of the statutes is amended to read:

15 341.26 (2g) **REBASING REGISTRATION PLATES.** Notwithstanding s. 341.13 (3) and
16 (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of
17 a completed application to renew the registration of a vehicle registered under s.
18 341.26 (2) and or (3) (a) 1. and or (am), ~~the registration for which expires after~~
19 ~~June 30, 2000, and before January 1, 2004~~, the department shall issue and deliver
20 prepaid to the applicant 2 new registration plates of the design established for that
21 6-year period under s. 341.135 (1). ~~The department shall issue only one set of plates~~
22 ~~under this subsection for each vehicle registered under this section, if the~~
23 department has not already issued registration plates of that design for that vehicle.

24 **SECTION 2735.** 343.12 (2m) of the statutes is created to read:

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1 343.12 (2m) The department shall require each person who holds an
2 endorsement to operate a school bus to provide proof to the department that, within
3 the past 4 years, the person has passed an examination described under sub. (2) (h).
4 If a person fails to provide proof required under this subsection, the department shall
5 cancel the person's operator's license as provided under s. 343.20 (1) (d).

6 **SECTION 2736.** 343.12 (4) (a) 2. of the statutes is repealed.

7 **SECTION 2737.** 343.16 (1) (a) of the statutes is amended to read:

8 343.16 (1) (a) *General.* The Except as provided in pars. (b) and (c), the
9 department shall examine every applicant for an operator's license, including
10 applicants for license renewal as provided in sub. (3), and every applicant for
11 authorization to operate a vehicle class or type for which the applicant does not hold
12 currently valid authorization, other than an instruction permit. Except as provided
13 in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing
14 operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall
15 include both a knowledge test and an actual demonstration in the form of a driving
16 skills test of the applicant's ability to exercise ordinary and reasonable control in the
17 operation of a representative vehicle. The department shall not administer a driving
18 skills test to a person applying for authorization to operate "Class M" vehicles who
19 has failed 2 previous such skills tests unless the person has successfully completed
20 a rider course approved by the department. The department may, by rule, exempt
21 certain persons from the rider course requirement of this paragraph. The driving
22 skills of applicants for endorsements authorizing the operation of commercial motor
23 vehicles equipped with air brakes, the transportation of passengers in commercial
24 motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or
25 (e), shall also be tested by an actual demonstration of driving skills. The department

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1 may endorse an applicant's commercial driver license for transporting hazardous
2 materials, or the operation of tank vehicles or vehicles towing double or triple
3 trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of
4 a knowledge test. In administering the knowledge test, the department shall
5 attempt to accommodate any special needs of the applicant. Except as may be
6 required by the department for an "H" or "S" endorsement, the knowledge test is not
7 intended to be a test for literacy or English language proficiency. This paragraph
8 does not prohibit the department from requiring an applicant to correctly read and
9 understand highway signs.

10 **SECTION 2738.** 343.16 (1) (b) (intro.) of the statutes is amended to read:

11 343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with
12 a person, including an agency or department of this state or its political subdivisions
13 or another state, or a private employer of commercial motor vehicle drivers, to
14 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to
15 383.135, examinations required to be administered under s. 343.12 (2) (h) and,
16 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18
17 years of age, driving skills tests required by par. (a) for authorization to operate
18 "Class D" vehicles. The department may not enter into such testing contracts with
19 a private driver training school or other private institution for vehicles other than
20 "Class D" vehicles. A contract with a 3rd-party tester shall include all of the
21 following provisions:

22 **SECTION 2739.** 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:

23 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an
24 on-site inspection of the 3rd-party tester to determine compliance with the contract
25 and with department and federal standards for testing applicants for commercial

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1 driver licenses and with department standards for testing applicants for regular
2 licenses and school bus endorsements. At least annually, the department shall also
3 evaluate testing given by the 3rd-party by one of the following means:

4 **SECTION 2740.** 343.16 (1) (b) 4. of the statutes is amended to read:

5 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same
6 qualifications and training standards as the department's license examiners to the
7 extent established by the department as necessary to satisfactorily perform the
8 driving skills tests required by par. (a) for authorization to operate "Class D" vehicles,
9 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be
10 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by
11 sub. (3) (b).

12 **SECTION 2741.** 343.16 (1) (b) 5. of the statutes is amended to read:

13 343.16 (1) (b) 5. The department shall take prompt and appropriate remedial
14 action against the 3rd-party tester in the event that the tester fails to comply with
15 department or federal standards for commercial driver license testing, department
16 standards for regular license and school bus endorsement testing or any provision
17 of the contract. Such action may include immediate termination of testing by the
18 3rd-party tester and recovery of damages.

19 **SECTION 2742.** 343.16 (1) (c) (intro.) of the statutes is amended to read:

20 343.16 (1) (c) *Driver education course.* (intro.) The department may, after
21 consultation with the department of public instruction and the technical college
22 system board, provide for administration of and certification of the results of the test
23 of an applicant's knowledge of the traffic laws and ability to read and understand
24 highway signs, and of the driving skills test of the applicant's ability to exercise
25 ordinary and reasonable control in the operation of a "Class D" vehicle, in conjunction

SENATE BILL 45**SECTION 2742**

1 with a course in driver education specified in this paragraph, by an instructor in that
2 course. ~~The test under this paragraph does not include that part of a driver's~~
3 ~~examination involving the actual demonstration of ability to exercise ordinary and~~
4 ~~reasonable control in the operation of a motor vehicle required for the issuance of a~~
5 ~~license other than an instruction permit. The No person may administer a driving~~
6 ~~skills test under this paragraph to an applicant, unless the applicant is under 18~~
7 ~~years of age, enrolled in a course described in subds. 1. to 4. and the driving skills test~~
8 ~~is administered as part of that course. Any test authorized under this paragraph~~
9 may be administered and certified by an instructor in any of the following:

10 **SECTION 2743.** 343.16 (1) (c) 4. of the statutes is created to read:

11 343.16 (1) (c) 4. A course in driver education in driver schools licensed under
12 s. 343.61.

13 **SECTION 2744.** 343.17 (3) (a) 13. of the statutes is created to read:

14 343.17 (3) (a) 13. If the person is under 18 years of age at the time of issuance
15 of the license, a distinctive appearance specified by the department that clearly
16 identifies to the public that the person was under 18 years of age at the time of
17 issuance of the license.

18 **SECTION 2745.** 343.19 (1) of the statutes is amended to read:

19 343.19 (1) If a license issued under this chapter or an identification card issued
20 under s. 343.50 is lost or destroyed or the name or address named in the license or
21 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
22 no longer applies, the person to whom the license or identification card was issued
23 may obtain a duplicate thereof or substitute therefor upon furnishing proof
24 satisfactory to the department of name and date of birth and that the license or
25 identification card has been lost or destroyed or that application for a duplicate

SENATE BILL 45**SECTION 2745**

1 license or identification card is being made for a change of address or name or
2 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
3 original license or identification card is found it shall immediately be transmitted to
4 the department. Duplicates of nonphoto licenses shall be issued as nonphoto
5 licenses.

6 **SECTION 2746.** 343.20 (1) (d) of the statutes is amended to read:

7 343.20 (1) (d) The department shall cancel an operator's license that is
8 endorsed for the operation of school buses under s. 343.12 (2), regardless of the
9 license expiration date, if the licensee fails to provide proof to the department that
10 he or she has passed an examination as required under s. 343.12 (2m). The
11 department shall cancel an operator's license that is endorsed for the operation of
12 school buses under s. 343.12 (3), regardless of the license expiration date, if the
13 licensee fails to provide proof to the department of an annual physical examination
14 determining that the person meets the physical standards established under s.
15 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (1m).

16 **SECTION 2747.** 343.21 (2) of the statutes is amended to read:

17 343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose
18 application for a permit, license, upgrade or endorsement, taken together with the
19 applicant's currently valid license, if any, requires the department to administer a
20 driving skills test of the applicant's ability to exercise ordinary and reasonable
21 control in the operation of a motor vehicle shall pay to the department an
22 examination fee of \$20 for an examination in a commercial motor vehicle other than
23 a school bus and ~~\$10~~ \$15 for an examination in any other vehicle. Payment of the
24 examination fee entitles the applicant to not more than 3 tests of the applicant's
25 ability to exercise reasonable control in the operation of a motor vehicle. If the

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1 applicant does not qualify for issuance of a license, upgraded license or endorsement
2 in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which
3 payment entitles the applicant to not more than 3 additional tests.

4 (b) The operator shall pay to the department an examination fee of \$10 \$15 for
5 conducting the special examination requested under s. 121.555 (2) (cm), except that
6 if the examination is in a commercial motor vehicle other than a school bus the fee
7 is \$20. Payment of the examination fee entitles the person to not more than 3 tests
8 of the person's ability to safely operate the vehicle proposed to be used under s.
9 121.555 (1) (a). If the applicant does not pass the examination for safe operation of
10 the vehicle in 3 such tests, then a 2nd examination fee in the same amount shall be
11 paid, which payment entitles the person to not more than 3 additional tests.

12 **SECTION 2748.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

13 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
14 law enforcement officer shall immediately take possession of the person's license and
15 prepare a notice of intent to revoke, by court order under sub. (10), the person's
16 operating privilege. If the person was driving or operating a commercial motor
17 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
18 after the refusal and notify the department in the manner prescribed by the
19 department. The officer shall issue a copy of the notice of intent to revoke the
20 privilege to the person and submit or mail a copy with the person's license to the
21 circuit court for the county in which the arrest under sub. (3) (a) was made. The
22 officer shall also mail a copy of the notice of intent to revoke to the district attorney
23 for that county and the department. Neither party is entitled to prehearing
24 discovery, except that at the refusal hearing, before a witness testifies, written or
25 voice recorded statements of the witness, if any, shall be given to the defendant. For

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1 cause, the court may order the production of those statements before the hearing.
2 This limit on discovery does not affect either party's right to discovery under s. 971.23
3 related to any criminal prosecution. The notice of intent to revoke the person's
4 operating privilege shall contain substantially all of the following information:

5 **SECTION 2749.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

6 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with
7 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
8 enforcement officer shall immediately take possession of the person's license, issue
9 an out-of-service order to the person for the 24 hours after the refusal and notify the
10 department in the manner prescribed by the department, and prepare a notice of
11 intent to revoke, by court order under sub. (10), the person's operating privilege. The
12 officer shall issue a copy of the notice of intent to revoke the privilege to the person
13 and submit or mail a copy with the person's license to the circuit court for the county
14 in which the refusal is made. The officer shall also mail a copy of the notice of intent
15 to revoke to the district attorney for that county and the department. Neither party
16 is entitled to prehearing discovery, except that at the refusal hearing, before a
17 witness testifies, written or voice recorded statements of the witness, if any, shall be
18 given to the defendant. For cause, the court may order the production of those
19 statements before the hearing. This limit on discovery does not affect either party's
20 right to discovery under s. 971.23 related to any criminal prosecution. The notice of
21 intent to revoke the person's operating privilege shall contain substantially all of the
22 following information:

23 **SECTION 2750.** 343.44 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
24 84, is amended to read:

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1 343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in
2 conformity therewith shall be required to forfeit not less than \$50 nor more than
3 \$200.

4 **SECTION 2751.** 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin
5 Act 84, is amended to read:

6 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, ~~1999~~ 2002,
7 may be required to forfeit not more than \$600, except that, if the person has been
8 convicted of a previous violation described in sub. (1) (b) within the preceding 5-year
9 period, the penalty under par. (b) shall apply.

10 **SECTION 2752.** 345.09 (2) of the statutes is amended to read:

11 345.09 (2) The secretary as attorney upon whom processes and notices may be
12 served under this section shall, upon being served with such process or notice,
13 forthwith mail by registered mail a copy thereof to such nonresident at the
14 out-of-state nonresident address given in the papers so served. It is the duty of the
15 party or the party's attorney to certify in the papers so served that the address given
16 therein is the last-known out-of-state nonresident address of the party to be served.
17 In all cases of service under this section there shall be served 2 authenticated copies
18 for the secretary and such additional number of authenticated copies as there are
19 defendants so served in the action. One of the secretary's copies shall be retained for
20 the secretary's record of service and the other copy shall be returned with proper
21 certificate of service attached for filing in court as proof of service of the copies by
22 having mailed them by registered mail to the defendants named therein. The service
23 fee shall be ~~\$15~~ \$25 for each defendant so served. The secretary shall keep a record
24 of all such processes and notices, which record shall show the day and hour of service.

25 **SECTION 2753.** 345.26 (1) (b) 1. of the statutes is amended to read:

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1 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
2 regulation, the person need not appear in court at the time fixed in the citation, and
3 the person will be deemed to have tendered a plea of no contest and submitted to a
4 forfeiture and a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail
5 assessment, if required by s. 302.46 (1), a railroad crossing improvement
6 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
7 and drug law enforcement assessment, if required by s. 165.755, plus any applicable
8 fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may
9 accept as provided in s. 345.37; and

10 **SECTION 2754.** 345.37 (2) of the statutes is amended to read:

11 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
12 serve as the initial pleading and the defendant shall be deemed to have tendered a
13 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
14 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing
15 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
16 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
17 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
18 amount of the deposit. The court may either accept the plea of no contest and enter
19 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
20 defendant fails to appear in response to the summons, the court shall issue a warrant
21 under ch. 968. If the court accepts the plea of no contest, the defendant may move
22 within 6 months after the date set for the appearance to withdraw the plea of no
23 contest, open the judgment and enter a plea of not guilty upon a showing to the
24 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
25 surprise or excusable neglect. If on reopening the defendant is found not guilty, the

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1 court shall immediately notify the department to delete the record of conviction
2 based on the original proceeding and shall order the defendant's deposit returned.

3 **SECTION 2755.** 345.37 (5) of the statutes is amended to read:

4 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
5 judgment, the official receiving the forfeiture, the penalty assessment, if required by
6 s. ~~165.87~~ 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
7 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
8 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
9 shall forward to the department a certification of the entry of default judgment or a
10 judgment of forfeiture.

11 **SECTION 2756.** 345.375 (2) of the statutes is amended to read:

12 345.375 (2) Upon default of the defendant corporation or limited liability
13 company or upon conviction, judgment for the amount of the forfeiture, the penalty
14 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.
15 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
16 required under s. 165.755, shall be entered.

17 **SECTION 2757.** 345.47 (1) (intro.) of the statutes is amended to read:

18 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
19 judgment against the defendant for a monetary amount not to exceed the maximum
20 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,
21 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
22 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug
23 law enforcement assessment, if required by s. 165.755, provided for the violation and
24 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
25 privilege under s. 343.30. If the judgment is not paid, the court shall order:

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1 **SECTION 2758.** 345.47 (1) (b) of the statutes is amended to read:

2 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
3 or revocation, that the defendant's operating privilege be suspended for 30 days or
4 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
5 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
6 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
7 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
8 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
9 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
10 suspend or revoke the operating privilege.

11 **SECTION 2759.** 345.47 (1) (c) of the statutes is amended to read:

12 345.47 (1) (c) If a court or judge suspends an operating privilege under this
13 section, the court or judge shall immediately take possession of the suspended license
14 and shall forward it to the department together with the notice of suspension, which
15 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
16 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
17 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
18 or 346.65 (4r), ~~and~~ a crime laboratories and drug law enforcement assessment, if
19 required by s. 165.755, and the fee required under s. 85.135, imposed by the court.
20 The notice of suspension and the suspended license, if it is available, shall be
21 forwarded to the department within 48 hours after the order of suspension. If the
22 forfeiture, penalty assessment, jail assessment, railroad crossing improvement
23 assessment and crime laboratories and drug law enforcement assessment are paid
24 during a period of suspension, the court or judge shall immediately notify the

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1 department. Upon receipt of the notice and payment of the reinstatement fee under
2 s. 343.21 (1) (j), the department shall return the surrendered license.

3 **SECTION 2760.** 345.49 (1) of the statutes is amended to read:

4 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
5 forfeiture, a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail assessment,
6 if required by s. 302.46 (1), a railroad crossing improvement assessment, if required
7 by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law
8 enforcement assessment, if required by s. 165.755, may, on request, be allowed to
9 work under s. 303.08. If the person does work, earnings shall be applied on the
10 unpaid forfeiture, penalty assessment, jail assessment, railroad crossing
11 improvement assessment or crime laboratories and drug law enforcement
12 assessment after payment of personal board and expenses and support of personal
13 dependents to the extent directed by the court.

14 **SECTION 2761.** 345.61 (2) (c) of the statutes is amended to read:

15 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
16 any printed card or other certificate issued by an automobile club, association or
17 insurance company to any of its members or insureds, which card or certificate is
18 signed by the member or insureds and contains a printed statement that the
19 automobile club, association or insurance company and a surety company, or an
20 insurance company authorized to transact both automobile liability insurance and
21 surety business, guarantee the appearance of the persons whose signature appears
22 on the card or certificate and that they will in the event of failure of the person to
23 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
24 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
25 required by s. 302.46 (1), the railroad crossing improvement assessment required by

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1 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
2 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
3 or \$1,000 as provided in sub. (1) (b).

4 **SECTION 2762.** 346.02 (10) of the statutes is amended to read:

5 346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon
6 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
7 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33,
8 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51,
9 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and
10 346.94 (1) and (9) and, if the snowmobile is an authorized emergency vehicle, be
11 subject to s. 346.03.

12 **SECTION 2763.** 346.02 (11) of the statutes is amended to read:

13 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an
14 all-terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),
15 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
16 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
17 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
18 (9) but is not and, if the all-terrain vehicle is an authorized emergency vehicle, is
19 subject to s. 346.03, but no operator of an all-terrain vehicle is subject to any other
20 provision of this chapter.

21 **SECTION 2764.** 346.03 (3) of the statutes is amended to read:

22 346.03 (3) The exemption granted the operator of an authorized emergency
23 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual
24 signal by means of at least one flashing, oscillating or rotating red light except that
25 the visual signal given by a police vehicle may be by means of a blue light and a red

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1 light which are flashing, oscillating or rotating, except as otherwise provided in sub.
2 (4m) (a). The exemptions granted by sub. (2) (b), (c) and (d) apply only when the
3 operator of the emergency vehicle is giving both such visual signal and also an
4 audible signal by means of a siren or exhaust whistle, except as otherwise provided
5 in sub. (4) or (4m).

6 **SECTION 2765.** 346.03 (4m) of the statutes is renumbered 346.03 (4m) (a).

7 **SECTION 2766.** 346.03 (4m) (b) of the statutes is created to read:

8 346.03 **(4m)** (b) The exemptions granted by sub. (2) (b), (c) and (d) apply to a
9 vehicle that is giving a visual signal or an audible signal, or both, in the manner
10 described in sub. (3), if the vehicle is any of the following:

11 1. A snowmobile operated by an employe of the department of natural resources
12 who is authorized to exercise the authority of the department of natural resources
13 under s. 23.11 (4).

14 2. An all-terrain vehicle or snowmobile operated by a conservation warden.

15 **SECTION 2767.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
16 amended to read:

17 347.415 **(1m)** No person shall may, either personally or through an agent,
18 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
19 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or
20 affect the number of miles indicated thereon.

21 **SECTION 2768.** 347.415 (1g) of the statutes is created to read:

22 347.415 **(1g)** In this section, “odometer” means an instrument for measuring
23 and recording the actual distance that a motor vehicle, snowmobile or all-terrain
24 vehicle has traveled while in operation, but does not include any auxiliary

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1 instrument designed to be reset to zero to measure and record the actual distance
2 that a motor vehicle, snowmobile or all-terrain vehicle has traveled on trips.

3 **SECTION 2769.** 347.415 (2) of the statutes is amended to read:

4 347.415 (2) No person may operate a motor vehicle subject to registration
5 under ch. 341 on any street or highway with knowledge that the odometer is
6 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person
7 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
8 is removed, disconnected or nonfunctional. An exemption may be provided if parts
9 are on back order to correct a nonfunctional odometer.

10 **SECTION 2770.** 347.415 (4) of the statutes is amended to read:

11 347.415 (4) No person shall conspire with any other person to violate sub. (1)
12 (1m), (2) or (3).

13 **SECTION 2771.** 347.50 (1) of the statutes is amended to read:

14 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
15 347.415 (1) (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
16 347.489, may be required to forfeit not less than \$10 nor more than \$200.

17 **SECTION 2772.** 347.50 (2) of the statutes is amended to read:

18 347.50 (2) Any person violating s. 347.415 (1) (1m), (2) and (3) to (5) may be
19 fined not more than \$5,000 or imprisoned for not more than one year in the county
20 jail, or both, for each violation.

21 **SECTION 2773.** 348.01 (2) (aj) of the statutes is created to read:

22 348.01 (2) (aj) "Certified portable testing device" means a portable testing
23 device which is tested and inspected periodically for accuracy by the department of
24 agriculture, trade and consumer protection or other authorized testing agency in
25 accordance with specifications, tolerances, standards and procedures established by

SENATE BILL 45**SECTION 2773**

1 the national institute of standards and technology and the department of
2 agriculture, trade and consumer protection for the testing and examination of scales.

3 **SECTION 2774.** 348.15 (3) (bg) of the statutes is amended to read:

4 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
5 exclusively milk from the point of production to the primary market and the return
6 of dairy supplies and dairy products from such primary market to the farm, the gross
7 weight imposed on the highway by the wheels of any one axle may not exceed 21,000
8 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more
9 consecutive axles ~~more than 9 feet~~ or more apart, a weight of 2,000 pounds more than
10 is shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
11 to the national system of interstate and defense highways, except for that portion of
12 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
13 and the I 90/94 interchange near Portage upon their federal designation as I 39.

14 **SECTION 2775.** 348.15 (5) (intro.) of the statutes is amended to read:

15 348.15 (5) (intro.) For enforcement of weight limitations specified by this
16 chapter the gross weight, measured in pounds, imposed on the highway by any wheel
17 or any one axle or by any group of 2 or more axles shall be determined by weighing
18 the vehicles and load, either by single draft or multiple draft weighing on certified
19 stationary scales or on portable scales in good working order which are tested in
20 comparison to certified stationary scales or with certified portable testing devices
21 within ~~90~~ 190 days immediately prior to any weighing operation by the department
22 of agriculture, trade and consumer protection or other authorized testing agencies
23 for accuracy to within standard accepted tolerances. The weighing operation shall
24 be performed in accordance with and under conditions accepted as good weighing
25 technique and practice. In multiple draft weighing the sum of the weight of

SENATE BILL 45**SECTION 2775**

1 respective components shall be used to establish the weight of a combination of the
2 components. It is recognized that the weight, determined in accordance with
3 methods prescribed in this chapter, includes all statutory weights and represents the
4 momentary load force or reaction imposed on the scale at the time of weighing. Such
5 weights include any variation due to the following factors:

6 **SECTION 2776.** 348.25 (8) (a) 1. of the statutes is amended to read:

7 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
8 limitations, \$15, except that if the application for a permit for a vehicle described in
9 this subdivision is submitted to the department after December 31, 1999, and before
10 July 1, 2003, the fee is \$17.

11 **SECTION 2777.** 348.25 (8) (a) 2. of the statutes is amended to read:

12 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
13 width limitations or height limitations, \$20, except that if the application for a
14 permit for a vehicle described in this subdivision is submitted to the department
15 after December 31, 1999, and before July 1, 2003, the fee is \$22.

16 **SECTION 2778.** 348.25 (8) (a) 2m. of the statutes is amended to read:

17 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
18 width and height limitations, \$25, except that if the application for a permit for a
19 vehicle described in this subdivision is submitted to the department after December
20 31, 1999, and before July 1, 2003, the fee is \$28.

21 **SECTION 2779.** 348.25 (8) (a) 3. of the statutes is amended to read:

22 348.25 (8) (a) 3. For a vehicle or combination of vehicles, the weight of which
23 exceeds any of the provisions of s. 348.15 (3), 10% of the fee specified in par. (b) 3. for
24 an annual permit for the comparable gross weight, rounded to the nearest whole
25 dollar.

SENATE BILL 45**SECTION 2780**

1 **SECTION 2780.** 348.25 (8) (b) 1. of the statutes is amended to read:

2 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
3 limitations, \$60, except that if the application for a permit for a vehicle described in
4 this subdivision is submitted to the department after December 31, 1999, and before
5 July 1, 2003, the fee is \$66.

6 **SECTION 2781.** 348.25 (8) (b) 2. of the statutes is amended to read:

7 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
8 limitations or height limitations or both, \$90, except that if the application for a
9 permit for a vehicle described in this subdivision is submitted to the department
10 after December 31, 1999, and before July 1, 2003, the fee is \$99.

11 **SECTION 2782.** 348.25 (8) (b) 3. a. of the statutes is amended to read:

12 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
13 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
14 to the department after December 31, 1999, and before July 1, 2003, the fee is \$220.

15 **SECTION 2783.** 348.25 (8) (b) 3. b. of the statutes is amended to read:

16 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
17 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle
18 described in this subd. 3. b. is submitted to the department after December 31, 1999,
19 and before July 1, 2003, the fee is \$385.

20 **SECTION 2784.** 348.25 (8) (b) 3. c. of the statutes is amended to read:

21 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
22 \$100 for each 10,000-pound increment or fraction thereof by which the gross weight
23 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
24 described in this subd. 3. c. is submitted to the department after December 31, 1999,

SENATE BILL 45**SECTION 2784**

1 and before July 1, 2003, the fee is \$385 plus \$110 for each 10,000-pound increment
2 or fraction thereof by which the gross weight exceeds 100,000 pounds.

3 **SECTION 2785.** 348.25 (8) (bm) of the statutes is renumbered 348.25 (8) (bm)
4 1. and amended to read:

5 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
6 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
7 permit times the number of months for which the permit is desired, plus \$15 for each
8 permit issued. This subdivision does not apply to applications for permits submitted
9 after December 31, 1999, and before July 1, 2003.

10 **SECTION 2786.** 348.25 (8) (bm) 2. of the statutes is created to read:

11 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
12 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
13 permit times the number of months for which the permit is desired, plus \$16.50 for
14 each permit issued, rounded to the nearest whole dollar. This subdivision does not
15 apply to applications submitted before January 1, 2000, or submitted after June 30,
16 2003.

17 **SECTION 2787.** 348.26 (1m) (title) of the statutes is repealed.

18 **SECTION 2788.** 348.26 (1m) of the statutes is renumbered 348.29 (1) and
19 amended to read:

20 348.29 (1) The department shall develop and implement a telephone call-in
21 procedure ~~for to issue and renew permits issued under this section ss. 348.26 and~~
22 348.27 and shall implement a computerized system for use under this section to
23 determine and designate the route to be used by the permittee. The telephone call-in
24 procedure for permits may not be utilized until permit information is computerized
25 to ensure inquiry capability into the data base for enforcement purposes.

SENATE BILL 45**SECTION 2789**

1 **SECTION 2789.** 348.28 (1) of the statutes is amended to read:

2 348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10), (12)
3 and (13) or by the telephone call-in procedure under s. 348.29 shall be carried on the
4 vehicle during operations so permitted.

5 **SECTION 2790.** 348.29 (title) of the statutes is created to read:

6 **348.29 (title) Telephone authorization for oversize or overweight**
7 **vehicle permits.**

8 **SECTION 2791.** 348.29 (2), (3), (4), (5) and (6) of the statutes are created to read:

9 348.29 (2) In addition to any fees required under s. 348.25, 348.26 or 348.27,
10 any person who uses the procedure under this section to obtain a permit under s.
11 348.26 or 348.27 shall pay the following fees to the department:

12 (a) The lesser of \$10 per vehicle for which a permit is issued or the actual cost
13 of the telephone authorization per vehicle for which a permit is issued as determined
14 by the department.

15 (b) A late payment fee of \$10 per vehicle for which a permit is issued, if the
16 department receives any required fees after the time period established by the
17 department.

18 **(3)** (a) The department may require that cancellation of a permit obtained
19 through the telephone call-in procedure be made by telephone.

20 (b) A person may cancel a permit obtained through the telephone call-in
21 procedure before the first day of operation authorized by the permit. The department
22 may not require a person who cancels a permit under this paragraph to pay any fees
23 under s. 348.25, 348.26 or 348.27 relating to the canceled permit. The person shall
24 pay to the department the authorization fee under sub. (2) (a) and may be charged
25 a cancellation fee established by the department.

SENATE BILL 45**SECTION 2791**

1 (c) No person may cancel a permit obtained through the telephone call-in
2 procedure on or after the first day of operation authorized by the permit. The
3 department may not refund any fees paid under sub. (2) on or after the first day of
4 operation authorized by the permit.

5 (4) The department may refuse to issue a permit through the telephone call-in
6 procedure to any applicant who does not comply with this section or who has had a
7 permit issued under s. 348.26 or 348.27 suspended or revoked.

8 (5) The department may suspend any or all permits issued under s. 348.26 or
9 348.27 to a person who fails to pay the required fees for a permit obtained through
10 use of the telephone call-in procedure within the time period established by the
11 department under this section. A permit suspended under this subsection remains
12 suspended until the required fees are paid.

13 (6) The department shall promulgate rules to implement this section.

14 **SECTION 2792.** 349.16 (2) of the statutes is amended to read:

15 349.16 (2) Imposition of the special weight limitations authorized by sub. (1)
16 (a) shall be done by erecting signs on or along the highway on which it is desired to
17 impose the limitation sufficient to give reasonable notice that a special weight
18 limitation is in effect and the nature of that limitation and by erecting such signs
19 sufficiently in advance of that highway to provide operators of vehicles an
20 opportunity to avoid that highway. Imposition of the special weight limitations
21 authorized by sub. (1) (b) shall be done by erecting signs before each end of the bridge
22 or culvert to which the weight limitation applies sufficient to give reasonable notice
23 that a special weight limitation is in effect and the nature of that limitation. All
24 weight limitation signs and their erection shall comply with the rules of the
25 department and shall be standard throughout the state.

SENATE BILL 45**SECTION 2793**

1 **SECTION 2793.** 350.01 (3r) of the statutes is created to read:

2 350.01 (3r) "Expedited service" means a process under which a person is able
3 to renew a snowmobile certificate in person and with only one appearance at the site
4 where certificates are issued.

5 **SECTION 2794.** 350.02 (2) (a) 7. of the statutes is created to read:

6 350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe
7 roadway speed limits.

8 **SECTION 2795.** 350.02 (3m) of the statutes is created to read:

9 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
10 in performance of his or her official duties if the snowmobile is equipped with a
11 flashing, oscillating or rotating blue light.

12 **SECTION 2796.** 350.05 (1) (title) of the statutes is amended to read:

13 350.05 (1) (title) ~~AGE RESTRICTION~~ PERSONS UNDER 12.

14 **SECTION 2797.** 350.05 (2) of the statutes is amended to read:

15 350.05 (2) ~~SNOWMOBILE~~ PERSONS AGED 12 TO 16; SNOWMOBILE SAFETY PERMIT OR
16 ~~OPERATOR'S LICENSE REQUIRED~~ CERTIFICATES AND PROGRAM. No person ~~over the age of~~
17 who is at least 12 years of age but under ~~the age of 16 years~~ of age may operate a
18 snowmobile unless he or she holds a valid snowmobile safety certificate or is
19 accompanied by a person ~~over~~ who is at least 18 years of age or by a person ~~over~~ who
20 is at least 14 years of age having a and who holds a valid snowmobile safety certificate
21 ~~issued by the department.~~ Any person who is ~~over the age of 12 and~~ at least 12 years
22 of age but under ~~the age of 16 years of age and~~ who holds is required to hold a
23 snowmobile safety certificate ~~shall carry it while operating a snowmobile or while~~
24 accompanying the operator on a snowmobile shall carry the certificate and shall
25 display it to a law enforcement officer on request. Persons enrolled in a safety

SENATE BILL 45**SECTION 2797**

1 certification program approved by the department may operate a snowmobile in an
2 area designated by the instructor.

3 **SECTION 2798.** 350.05 (2) of the statutes, as affected by 1999 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 **350.05 (2) PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND**
6 **PROGRAM.** (a) No person who is at least 12 years of age and who is born on or after
7 January 1, 1985, may operate a snowmobile unless he or she holds a valid
8 snowmobile safety certificate.

9 (b) Any person who is required to hold a snowmobile safety certificate while
10 operating a snowmobile shall carry the certificate on the snowmobile and shall
11 display the certificate to a law enforcement officer on request. Persons enrolled in
12 a safety certification program approved by the department may operate a
13 snowmobile in an area designated by the instructor.

14 **SECTION 2799.** 350.05 (3) of the statutes is amended to read:

15 **350.05 (3) EXCEPTIONS.** This section does not apply to the operation of
16 snowmobiles ~~by an operator under the age of 16 years~~ upon lands owned or leased
17 by the operator's parent or guardian. As used in this section, "leased lands" does not
18 include lands leased by an organization of which said operator or the operator's
19 parent or guardian is a member.

20 **SECTION 2800.** 350.05 (4) of the statutes is amended to read:

21 **350.05 (4) DEFINITION.** For purposes of this section, "accompanied"
22 "accompany" means being to be on the same snowmobile as the operator.

23 **SECTION 2801.** 350.055 of the statutes is amended to read:

24 **350.055 Safety certification program established.** The department shall
25 establish a program of instruction on snowmobile laws, including the intoxicated

SENATE BILL 45**SECTION 2801**

1 snowmobiling law, regulations, safety and related subjects. The program shall be
2 conducted by instructors certified by the department. The department may procure
3 liability insurance coverage for certified instructors for work within the scope of their
4 duties under this section. ~~Persons~~ Each person satisfactorily completing this
5 program shall receive ~~certification~~ a snowmobile safety certificate from the
6 department. The department may charge each person who enrolls in the course an
7 instruction fee of \$5. The department shall authorize instructors conducting such
8 courses meeting standards established by it to retain \$1 of the fee to defray expenses
9 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained
10 by the department to defray a part of its expenses incurred to conduct the safety and
11 accident reporting program. A person ~~over the age of 12 years~~ who is at least 12 years
12 of age but under the age of 16 years ~~of age~~ who holds is required to hold a valid
13 snowmobile safety certificate may operate a snowmobile in this state if the person
14 holds a valid snowmobile safety certificate issued by another state or province of the
15 Dominion of Canada ~~need not obtain a certificate from the department~~ and if the
16 course content of the program in such other state or province substantially meets
17 that established by the department under this section.

18 **SECTION 2802.** 350.055 of the statutes, as affected by 1999 Wisconsin Act ...
19 (this act), section 2801, is amended to read:

20 **350.055 Safety certification program established.** The department shall
21 establish a program of instruction on snowmobile laws, including the intoxicated
22 snowmobiling law, regulations, safety and related subjects. The program shall be
23 conducted by instructors certified by the department. The department may procure
24 liability insurance coverage for certified instructors for work within the scope of their
25 duties under this section. Each person satisfactorily completing this program shall

SENATE BILL 45**SECTION 2802**

1 receive a snowmobile safety certificate from the department. The department may
2 charge each person who enrolls in the course shall establish by rule an instruction
3 fee of \$5 for this program. An instructor conducting a program of instruction under
4 this section shall collect the instruction fee from each person who receives
5 instruction. The department shall ~~authorize instructors conducting such courses~~
6 ~~meeting standards established by it to retain \$1~~ may determine the portion of the
7 this fee, which may not exceed 50%, that the instructor may retain to defray expenses
8 incurred ~~locally to conduct~~ by the instructor in conducting the program. The
9 remaining \$4 of the fee shall be retained by the department to defray a part of its
10 expenses incurred to conduct the safety and accident reporting program instructor
11 shall remit the remainder of the fee or, if nothing is retained, the entire fee to the
12 department. A person who is at least 12 years of age but under the 16 years of age
13 who is required to hold a valid snowmobile safety certificate may operate a
14 snowmobile in this state if the person holds a valid snowmobile safety certificate
15 issued by another state or province of the Dominion of Canada and if the course
16 content of the program in such other state or province substantially meets that
17 established by the department under this section.

18 **SECTION 2803.** 350.055 of the statutes, as affected by 1999 Wisconsin Act ...
19 (this act), section 2802, is repealed and recreated to read:

20 **350.055 Safety certification program established.** The department shall
21 establish a program of instruction on snowmobile laws, including the intoxicated
22 snowmobiling law, regulations, safety and related subjects. The program shall be
23 conducted by instructors certified by the department. The department may procure
24 liability insurance coverage for certified instructors for work within the scope of their
25 duties under this section. Each person satisfactorily completing this program shall

SENATE BILL 45**SECTION 2803**

1 receive a snowmobile safety certificate from the department. The department shall
2 establish by rule an instruction fee for this program. An instructor conducting a
3 program of instruction under this section shall collect the instruction fee from each
4 person who receives instruction. The department may determine the portion of this
5 fee, which may not exceed 50%, that the instructor may retain to defray expenses
6 incurred by the instructor in conducting the program. The instructor shall remit the
7 remainder of the fee or, if nothing is retained, the entire fee to the department. A
8 person who is required to hold a valid snowmobile safety certificate may operate a
9 snowmobile in this state if the person holds a valid snowmobile safety certificate
10 issued by another state or province of the Dominion of Canada and if the course
11 content of the program in such other state or province substantially meets that
12 established by the department under this section.

13 **SECTION 2804.** 350.095 of the statutes is created to read:

14 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or
15 knowingly permit to be operated, on any highway any snowmobile that does not meet
16 the requirements of this section.

17 (2) When directed by any law enforcement officer, the operator of any
18 snowmobile shall stop and submit the snowmobile to an inspection and such tests as
19 are necessary to determine whether its required equipment is in proper adjustment
20 or repair, or is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d)
21 or (e), or rules issued pursuant thereto.

22 (3) When any snowmobile is found to be unsafe for operation or in violation of
23 the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules issued pursuant
24 thereto, a law enforcement officer may order the snowmobile removed from the

SENATE BILL 45**SECTION 2804**

1 highway and not operated, except for purposes of removal and repair, until it has
2 been repaired pursuant to a repair order as provided in sub. (4).

3 (4) In addition to or in lieu of a citation for the violation, when any snowmobile
4 is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules
5 issued pursuant thereto, a law enforcement officer may issue a repair order, in such
6 form and containing such information as the department prescribes, to the owner or
7 operator of the snowmobile. The owner or operator shall thereupon obtain such
8 repairs as are required.

9 (5) No owner or operator of a snowmobile may refuse to submit a snowmobile
10 to any inspection or test that is authorized under this section.

11 **SECTION 2805.** 350.12 (3h) of the statutes is created to read:

12 350.12 (3h) REGISTRATION; RENEWALS; AGENTS. (a) *Issuance; appointment of*
13 *agents.* For the issuance of snowmobile certificates, the department may do any of
14 the following:

15 1. Directly issue the certificates.

16 2. Appoint, as an agent of the department, the clerk of one or more counties to
17 issue the certificates.

18 3. Appoint persons who are not employes of the department to issue the
19 certificates as agents of the department.

20 (b) *Duplicates.* For purposes of this subsection, the issuance of a duplicate of
21 a snowmobile certificate shall be considered the same as the issuance of an original
22 certificate.

23 (c) *Agent activities.* 1. The clerk of any county appointed under par. (a) 2. or (e)
24 may accept the appointment.

SENATE BILL 45**SECTION 2805**

1 2. The department may promulgate rules regulating the activities of persons
2 appointed under pars. (a) and (e).

3 (d) *Issuing fees.* An agent appointed under par. (a) 2. or 3. shall collect an
4 issuing fee of \$3 for each snowmobile certificate that the agent issues. The agent
5 shall remit to the department \$2 of each issuing fee collected.

6 (e) *Renewals; agents.* For the renewal of snowmobile certificates for public use
7 or the renewal of commercial snowmobile certificates, the department may renew the
8 certificates directly or may appoint agents in the manner specified in par. (a) 2. or
9 3. The department may establish an expedited service to be provided by the
10 department and these agents to renew these types of snowmobile certificates.

11 (f) *Renewals; fees.* In addition to a renewal fee under sub. (3), the department
12 may authorize that a supplemental renewal fee of \$3 be collected for the renewal of
13 snowmobile certificates that are renewed in any of the following manners:

- 14 1. By agents appointed under par. (e).
- 15 2. By the department using the expedited service.

16 (g) *Remittal of fees.* An agent appointed under par. (e) shall remit to the
17 department \$2 of each \$3 fee collected under par. (f). Any fees remitted to or collected
18 by the department under par. (d) or (f) shall be credited to the appropriation account
19 under s. 20.370 (9) (hu).

20 **SECTION 2806.** 350.12 (3i) of the statutes is created to read:

21 350.12 (3i) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
22 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or
23 federally recognized Indian tribe or band in this state shall refuse registration of a
24 snowmobile if the most recent inspection under s. 350.095 indicates that the
25 snowmobile's required equipment is not in proper adjustment or repair, or is in

SENATE BILL 45**SECTION 2806**

1 violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules
2 issued pursuant thereto.

3 **SECTION 2807.** 350.12 (3j) (b) of the statutes is amended to read:

4 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
5 exempt from registration under sub. (2) (b) or (bn) is \$12.25. A trail use sticker issued
6 for such a snowmobile may be issued only by the department and persons appointed
7 by the department and ~~is valid for one~~ expires on March 31 of each year.

8 **SECTION 2808.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

9 350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The
10 moneys appropriated from s. 20.370 (3) (ak) and (aq), (5) (es) and (9) (mu) and (mw)
11 may be used for the following:

12 **SECTION 2809.** 350.12 (4) (a) 3m. of the statutes is amended to read:

13 350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated
14 under s. 20.370 (3) (ak) and (aq); and

15 **SECTION 2810.** 350.12 (4) (am) of the statutes is amended to read:

16 350.12 (4) (am) *Enforcement aids to department.* ~~Beginning with fiscal year~~
17 ~~1993-94, of~~ Of the amounts appropriated under s. 20.370 (3) (ak) and (aq), the
18 department shall allocate \$26,000 in each fiscal year to be used exclusively for the
19 purchase of snowmobiles or trailers to carry snowmobiles, or both, to be used in state
20 law enforcement efforts.

21 **SECTION 2811.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

22 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
23 under s. 20.370 (1) (mq) and (5) (cr) ~~and, (cs) and (cw)~~ shall be used for development
24 and maintenance, the cooperative snowmobile sign program, major reconstruction
25 or rehabilitation to improve bridges on existing approved trails, trail rehabilitation,

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1 signing of snowmobile routes, and state snowmobile trails and areas and distributed
2 as follows:

3 **SECTION 2812.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1.
4 and amended to read:

5 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
6 department shall make available in ~~fiscal year 1992-93~~ and each fiscal year
7 ~~thereafter~~ an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
8 payments to the department or a county under par. (bm) for trail maintenance costs
9 incurred in the previous fiscal year that exceed the maximum specified under par.
10 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

11 **SECTION 2813.** 350.12 (4) (bg) 2. of the statutes is created to read:

12 350.12 (4) (bg) 2. For fiscal year 1999-2000, and for each fiscal year thereafter,
13 the department shall calculate an amount equal to the number of trail use stickers
14 issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit
15 this amount to the appropriation account under s. 20.370 (5) (cw). From the
16 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
17 department or a county for the purposes specified in par. (b). The department shall
18 make payments under par. (bm) for trail maintenance costs that were incurred in the
19 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
20 making payments for any of the other purposes specified in par. (b).

21 **SECTION 2814.** 350.12 (5) (d) of the statutes is amended to read:

22 350.12 (5) (d) At the end of the registration period the department shall send
23 the owner of each snowmobile a ~~2-part~~ renewal application. The owner shall
24 ~~complete and sign one portion of the renewal application and return that portion the~~
25 application and the proper fee to the department. ~~The owner shall complete and sign~~

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1 ~~the other portion of the renewal application. The owner shall destroy this portion~~
2 ~~of the renewal application upon receipt of the registration certificate and decals or~~
3 ~~to an agent appointed under sub. (3h) (e).~~

4 **SECTION 2815.** 350.15 (6) of the statutes is created to read:

5 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
6 occur during a sanctioned race or derby.

7 **SECTION 2816.** 351.02 (1) (a) 10. of the statutes, as affected by 1997 Wisconsin
8 Act 84, is amended to read:

9 351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting
10 conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104,
11 11-901,11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic
12 ordinance (1987), or prohibiting homicide or manslaughter resulting from the
13 operation of a motor vehicle, use of a motor vehicle in the commission of a felony,
14 reckless or careless driving or driving a motor vehicle with wilful or wanton
15 disregard for the safety of persons or property, driving or operating a motor vehicle
16 while under the influence of alcohol, a controlled substance, a controlled substance
17 analog or any other drug or a combination thereof as prohibited, refusal to submit
18 to chemical testing, ~~operating a motor vehicle while the operating privilege or~~
19 ~~operator's license is revoked or suspended,~~ perjury or the making false statements
20 or affidavits to a governmental agency in connection with the ownership or operation
21 of a motor vehicle, failing to stop and identify oneself as the driver or operator in the
22 event of a motor vehicle accident with a person or an attended motor vehicle or fleeing
23 from or attempting to elude a police, law enforcement or other peace officer, as those
24 or substantially similar terms are used in that jurisdiction's laws.

SENATE BILL 45**SECTION 2817**

1 **SECTION 2817.** 351.025 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
2 84, is renumbered 351.025 (2) and amended to read:

3 351.025 (2) The revocation is effective on the date the department mails the
4 notice of revocation, ~~except as provided in par. (b).~~

5 **SECTION 2818.** 351.025 (2) (b) of the statutes is repealed.

6 **SECTION 2819.** 409.302 (1) (i) of the statutes is renumbered 409.302 (3) (e) and
7 amended to read:

8 409.302 (3) (e) ~~A security interest created by a master lease entered into by the~~
9 state under s. 16.76 (4).

10 **SECTION 2820.** 409.302 (3) (intro.) of the statutes is amended to read:

11 409.302 (3) (intro.) The filing provisions of this chapter are not necessary or
12 effective to perfect a security interest in property subject to any of the following:

13 **SECTION 2821.** 409.302 (3) (a) to (c) of the statutes are amended to read:

14 409.302 (3) (a) A statute or treaty of the United States which provides for a
15 national or international registration or a national or international certificate of title
16 or which specifies a place of filing different from that specified in this chapter for
17 filing of the security interest; ~~or,~~

18 (b) The following vehicle title statutes: ss. 342.19, 342.20, 342.284 and 342.285;
19 but during any period in which collateral is inventory held for sale by a person who
20 is in the business of selling goods of that kind, the filing provisions of ss. 409.401 to
21 409.408 apply to a security interest in that collateral created by that person as
22 debtor; ~~or,~~

23 (bm) The following boat title statutes: ss. 30.57, 30.572 and 30.573; but during
24 any period in which collateral is inventory held for sale by a person who is in the

SENATE BILL 45**SECTION 2821**

1 business of selling goods of that kind, the filing provisions of ss. 409.401 to 409.408
2 apply to a security interest in that collateral created by that person as debtor; ~~or,~~

3 (c) A certificate of title statute of another jurisdiction under the law of which
4 indication of a security interest on the certificate is required as a condition of
5 perfection (s. 409.103 (2)); ~~or,~~

6 **SECTION 2822.** 409.313 (4) (e) of the statutes is created to read:

7 409.313 (4) (e) The security interest is created by a master lease entered into
8 by the state under s. 16.76 (4), the security interest is perfected under s. 16.76 (4) (e)
9 before the interest of the encumbrancer or owner is of record, the security interest
10 has priority over any conflicting interest of a predecessor in title of the encumbrancer
11 or owner and the debtor has an interest of record in the real estate.

12 **SECTION 2823.** 440.03 (15) of the statutes is created to read:

13 440.03 (15) The department shall promulgate rules that establish the fees
14 specified in ss. 440.05 (10) and 440.08 (2) (d).

15 **SECTION 2824.** 440.05 (1) (a) of the statutes is amended to read:

16 440.05 (1) (a) Initial credential: ~~\$41~~ \$47. Each applicant for an initial
17 credential shall pay the initial credential fee to the department when the application
18 materials for the initial credential are submitted to the department.

19 **SECTION 2825.** 440.05 (10) of the statutes is created to read:

20 440.05 (10) Expedited service: If an applicant for a credential requests that
21 the department process an application on an expedited basis, the applicant shall pay
22 a service fee that is equal to the department's best estimate of the cost of processing
23 the application on an expedited basis, including the cost of providing counter or other
24 special handling services.

25 **SECTION 2826.** 440.055 (1) of the statutes is repealed.

SENATE BILL 45**SECTION 2827**

1 **SECTION 2827.** 440.055 (2) of the statutes is amended to read:

2 440.055 (2) If the department permits the payment of a fee with use of a credit
3 card ~~under sub. (1)~~, the department shall charge a credit card service charge for each
4 transaction. The credit card service charge shall be in addition to the fee that is being
5 paid with the credit card and shall be sufficient to pay the costs to the department
6 for providing this service to persons who request it, including the cost of any services
7 for which the department contracts under sub. (3).

8 **SECTION 2828.** 440.08 (2) (a) 1. of the statutes is amended to read:

9 440.08 (2) (a) 1. Accountant, certified public: January 1 of each
10 even-numbered year; ~~\$47~~ \$52.

11 **SECTION 2829.** 440.08 (2) (a) 2. of the statutes is amended to read:

12 440.08 (2) (a) 2. Accountant, public: January 1 of each even-numbered year;
13 ~~\$41~~ \$44.

14 **SECTION 2830.** 440.08 (2) (a) 3. of the statutes is amended to read:

15 440.08 (2) (a) 3. Accounting corporation or partnership: January 1 of each
16 even-numbered year; ~~\$41~~ \$47.

17 **SECTION 2831.** 440.08 (2) (a) 4. of the statutes is amended to read:

18 440.08 (2) (a) 4. Acupuncturist: July 1 of each odd-numbered year; ~~\$73~~ \$78.

19 **SECTION 2832.** 440.08 (2) (a) 4m. of the statutes is amended to read:

20 440.08 (2) (a) 4m. Advanced practice nurse prescriber: October 1 of each
21 even-numbered year; ~~\$41~~ \$69.

22 **SECTION 2833.** 440.08 (2) (a) 5. of the statutes is amended to read:

23 440.08 (2) (a) 5. Aesthetician: July 1 of each odd-numbered year; ~~\$77~~ \$58.

24 **SECTION 2834.** 440.08 (2) (a) 6. of the statutes is amended to read:

SENATE BILL 45**SECTION 2834**

1 440.08 (2) (a) 6. Aesthetics establishment: July 1 of each odd-numbered year;
2 ~~\$41~~ \$47.

3 **SECTION 2835.** 440.08 (2) (a) 7. of the statutes is amended to read:

4 440.08 (2) (a) 7. Aesthetics instructor: July 1 of each odd-numbered year; ~~\$142~~
5 \$47.

6 **SECTION 2836.** 440.08 (2) (a) 9. of the statutes is amended to read:

7 440.08 (2) (a) 9. Aesthetics specialty school: July 1 of each odd-numbered year;
8 ~~\$41~~ \$44.

9 **SECTION 2837.** 440.08 (2) (a) 11. of the statutes is amended to read:

10 440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 of each
11 even-numbered year; ~~\$95~~ \$108.

12 **SECTION 2838.** 440.08 (2) (a) 11m. of the statutes is amended to read:

13 440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 of
14 each even-numbered year; ~~\$101~~ \$114.

15 **SECTION 2839.** 440.08 (2) (a) 12. of the statutes is amended to read:

16 440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 of each
17 even-numbered year; ~~\$72~~ \$134.

18 **SECTION 2840.** 440.08 (2) (a) 13. of the statutes is amended to read:

19 440.08 (2) (a) 13. Architect: August 1 of each even-numbered year; ~~\$44~~ \$49.

20 **SECTION 2841.** 440.08 (2) (a) 14. of the statutes is amended to read:

21 440.08 (2) (a) 14. Architectural or engineering firm, partnership or corporation:
22 February 1 of each even-numbered year; ~~\$41~~ \$47.

23 **SECTION 2842.** 440.08 (2) (a) 14g. of the statutes is amended to read:

24 440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year;
25 ~~\$41~~ \$47.

SENATE BILL 45**SECTION 2843**

1 **SECTION 2843.** 440.08 (2) (a) 14r. of the statutes is amended to read:

2 440.08 (2) (a) 14r. Auctioneer: January 1 of each odd-numbered year; \$100
3 \$135.

4 **SECTION 2844.** 440.08 (2) (a) 15. of the statutes is amended to read:

5 440.08 (2) (a) 15. Audiologist: February 1 of each odd-numbered year; \$44-
6 \$100.

7 **SECTION 2845.** 440.08 (2) (a) 16. of the statutes is amended to read:

8 440.08 (2) (a) 16. Barbering or cosmetology establishment: July 1 of each
9 odd-numbered year; \$41 \$47.

10 **SECTION 2846.** 440.08 (2) (a) 17. of the statutes is amended to read:

11 440.08 (2) (a) 17. Barbering or cosmetology instructor: July 1 of each
12 odd-numbered year; \$139 \$91.

13 **SECTION 2847.** 440.08 (2) (a) 18. of the statutes is amended to read:

14 440.08 (2) (a) 18. Barbering or cosmetology manager: July 1 of each
15 odd-numbered year; \$61 \$68.

16 **SECTION 2848.** 440.08 (2) (a) 20. of the statutes is amended to read:

17 440.08 (2) (a) 20. Barber or cosmetologist: July 1 of each odd-numbered year;
18 \$52 \$55.

19 **SECTION 2849.** 440.08 (2) (a) 24. of the statutes is amended to read:

20 440.08 (2) (a) 24. Chiropractor: January 1 of each odd-numbered year; \$162
21 \$139.

22 **SECTION 2850.** 440.08 (2) (a) 25. of the statutes is amended to read:

23 440.08 (2) (a) 25. Dental hygienist: October 1 of each odd-numbered year; \$41
24 \$48.

25 **SECTION 2851.** 440.08 (2) (a) 26. of the statutes is amended to read:

SENATE BILL 45**SECTION 2851**

1 440.08 (2) (a) 26. Dentist: October 1 of each odd-numbered year; ~~\$98~~ \$105.

2 **SECTION 2852.** 440.08 (2) (a) 27. of the statutes is amended to read:

3 440.08 (2) (a) 27. Designer of engineering systems: February 1 of each
4 even-numbered year; ~~\$47~~ \$52.

5 **SECTION 2853.** 440.08 (2) (a) 27m. of the statutes is amended to read:

6 440.08 (2) (a) 27m. Dietitian: November 1 of each even-numbered year; ~~\$41~~
7 \$47.

8 **SECTION 2854.** 440.08 (2) (a) 28. of the statutes is amended to read:

9 440.08 (2) (a) 28. Drug distributor: June 1 of each even-numbered year; ~~\$41~~
10 \$47.

11 **SECTION 2855.** 440.08 (2) (a) 29. of the statutes is amended to read:

12 440.08 (2) (a) 29. Drug manufacturer: June 1 of each even-numbered year; ~~\$41~~
13 \$47.

14 **SECTION 2856.** 440.08 (2) (a) 30. of the statutes is amended to read:

15 440.08 (2) (a) 30. Electrologist: July 1 of each odd-numbered year; ~~\$77~~ \$65.

16 **SECTION 2857.** 440.08 (2) (a) 31. of the statutes is amended to read:

17 440.08 (2) (a) 31. Electrology establishment: July 1 of each odd-numbered
18 year; ~~\$41~~ \$47.

19 **SECTION 2858.** 440.08 (2) (a) 34. of the statutes is amended to read:

20 440.08 (2) (a) 34. Electrology specialty school: July 1 of each odd-numbered
21 year; ~~\$41~~ \$44.

22 **SECTION 2859.** 440.08 (2) (a) 35. of the statutes is amended to read:

23 440.08 (2) (a) 35. Engineer, professional: August 1 of each even-numbered
24 year; ~~\$43~~ \$49.

25 **SECTION 2860.** 440.08 (2) (a) 35m. of the statutes is amended to read:

SENATE BILL 45**SECTION 2860**

1 440.08 (2) (a) 35m. Fund-raising counsel: September 1 of each
2 even-numbered year; ~~\$41~~ \$44.

3 **SECTION 2861.** 440.08 (2) (a) 36. of the statutes is amended to read:

4 440.08 (2) (a) 36. Funeral director: January 1 of each even-numbered year;
5 ~~\$144~~ \$140.

6 **SECTION 2862.** 440.08 (2) (a) 37. of the statutes is amended to read:

7 440.08 (2) (a) 37. Funeral establishment: June 1 of each odd-numbered year;
8 ~~\$41~~ \$47.

9 **SECTION 2863.** 440.08 (2) (a) 38. of the statutes is amended to read:

10 440.08 (2) (a) 38. Hearing instrument specialist: February 1 of each
11 even-numbered odd-numbered year; ~~\$200~~ \$100.

12 **SECTION 2864.** 440.08 (2) (a) 38g. of the statutes is amended to read:

13 440.08 (2) (a) 38g. Home inspector: January 1 of each odd-numbered year; ~~\$41~~
14 \$44.

15 **SECTION 2865.** 440.08 (2) (a) 38m. of the statutes is amended to read:

16 440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered
17 year; ~~\$41~~ \$51.

18 **SECTION 2866.** 440.08 (2) (a) 39. of the statutes is amended to read:

19 440.08 (2) (a) 39. Land surveyor: February 1 of each even-numbered year; ~~\$69~~
20 \$75.

21 **SECTION 2867.** 440.08 (2) (a) 42. of the statutes is amended to read:

22 440.08 (2) (a) 42. Manicuring establishment: July 1 of each odd-numbered
23 year; ~~\$41~~ \$44.

24 **SECTION 2868.** 440.08 (2) (a) 43. of the statutes is amended to read:

SENATE BILL 45**SECTION 2868**

1 440.08 (2) (a) 43. Manicuring instructor: July 1 of each odd-numbered year;
2 ~~\$112~~ \$44.

3 **SECTION 2869.** 440.08 (2) (a) 45. of the statutes is amended to read:

4 440.08 (2) (a) 45. Manicuring specialty school: July 1 of each odd-numbered
5 year; ~~\$41~~ \$44.

6 **SECTION 2870.** 440.08 (2) (a) 46. of the statutes is amended to read:

7 440.08 (2) (a) 46. Manicurist: July 1 of each odd-numbered year; ~~\$78~~ \$131.

8 **SECTION 2871.** 440.08 (2) (a) 46m. of the statutes is amended to read:

9 440.08 (2) (a) 46m. Marriage and family therapist: July 1 of each
10 odd-numbered year; ~~\$66~~ \$82.

11 **SECTION 2872.** 440.08 (2) (a) 48. of the statutes is amended to read:

12 440.08 (2) (a) 48. Nurse, licensed practical: May 1 of each odd-numbered year;
13 ~~\$48~~ \$54.

14 **SECTION 2873.** 440.08 (2) (a) 49. of the statutes is amended to read:

15 440.08 (2) (a) 49. Nurse, registered: March 1 of each even-numbered year; ~~\$46~~
16 \$52.

17 **SECTION 2874.** 440.08 (2) (a) 50. of the statutes is amended to read:

18 440.08 (2) (a) 50. Nurse-midwife: March 1 of each even-numbered year; ~~\$41~~
19 \$47.

20 **SECTION 2875.** 440.08 (2) (a) 51. of the statutes is amended to read:

21 440.08 (2) (a) 51. Nursing home administrator: July 1 of each even-numbered
22 year; ~~\$102~~ \$111.

23 **SECTION 2876.** 440.08 (2) (a) 52. of the statutes is amended to read:

24 440.08 (2) (a) 52. Occupational therapist: November 1 of each odd-numbered
25 year; ~~\$42~~ \$49.

SENATE BILL 45**SECTION 2877**

1 **SECTION 2877.** 440.08 (2) (a) 53. of the statutes is amended to read:

2 440.08 (2) (a) 53. Occupational therapy assistant: November 1 of each
3 odd-numbered year; ~~\$42~~ \$48.

4 **SECTION 2878.** 440.08 (2) (a) 54. of the statutes is amended to read:

5 440.08 (2) (a) 54. Optometrist: January 1 of each even-numbered year; ~~\$58~~
6 \$61.

7 **SECTION 2879.** 440.08 (2) (a) 55. of the statutes is amended to read:

8 440.08 (2) (a) 55. Pharmacist: June 1 of each even-numbered year; ~~\$75~~ \$73.

9 **SECTION 2880.** 440.08 (2) (a) 56. of the statutes is amended to read:

10 440.08 (2) (a) 56. Pharmacy: June 1 of each even-numbered year; ~~\$41~~ \$47.

11 **SECTION 2881.** 440.08 (2) (a) 57. of the statutes is amended to read:

12 440.08 (2) (a) 57. Physical therapist: November 1 of each odd-numbered year;
13 ~~\$46~~ \$51.

14 **SECTION 2882.** 440.08 (2) (a) 58. of the statutes is amended to read:

15 440.08 (2) (a) 58. Physician: November 1 of each odd-numbered year; ~~\$110~~
16 \$122.

17 **SECTION 2883.** 440.08 (2) (a) 59. of the statutes is amended to read:

18 440.08 (2) (a) 59. Physician assistant: November 1 of each odd-numbered year;
19 ~~\$51~~ \$59.

20 **SECTION 2884.** 440.08 (2) (a) 60. of the statutes is amended to read:

21 440.08 (2) (a) 60. Podiatrist: November 1 of each odd-numbered year; ~~\$180~~
22 \$140.

23 **SECTION 2885.** 440.08 (2) (a) 61. of the statutes is amended to read:

24 440.08 (2) (a) 61. Private detective: September 1 of each even-numbered year;
25 ~~\$178~~ \$89.

SENATE BILL 45**SECTION 2886**

1 **SECTION 2886.** 440.08 (2) (a) 62. of the statutes is amended to read:

2 440.08 (2) (a) 62. Private detective agency: September 1 of each
3 even-numbered year; ~~\$41~~ \$47.

4 **SECTION 2887.** 440.08 (2) (a) 63. of the statutes is amended to read:

5 440.08 (2) (a) 63. Private practice school psychologist: October 1 of each
6 odd-numbered year; ~~\$67~~ \$69.

7 **SECTION 2888.** 440.08 (2) (a) 63g. of the statutes is amended to read:

8 440.08 (2) (a) 63g. Private security person: September 1 of each
9 even-numbered year; ~~\$41~~ \$49.

10 **SECTION 2889.** 440.08 (2) (a) 63m. of the statutes is amended to read:

11 440.08 (2) (a) 63m. Professional counselor: July 1 of each odd-numbered year;
12 ~~\$55~~ \$63.

13 **SECTION 2890.** 440.08 (2) (a) 63t. of the statutes is amended to read:

14 440.08 (2) (a) 63t. Professional fund-raiser: September 1 of each
15 even-numbered year; ~~\$61~~ \$91.

16 **SECTION 2891.** 440.08 (2) (a) 63u. of the statutes is amended to read:

17 440.08 (2) (a) 63u. Professional geologist: August 1 of each even-numbered
18 year; ~~\$42~~ \$48.

19 **SECTION 2892.** 440.08 (2) (a) 63v. of the statutes is amended to read:

20 440.08 (2) (a) 63v. Professional geology, hydrology or soil science firm,
21 partnership or corporation: August 1 of each even-numbered year; ~~\$42~~ \$44.

22 **SECTION 2893.** 440.08 (2) (a) 63w. of the statutes is amended to read:

23 440.08 (2) (a) 63w. Professional hydrologist: August 1 of each even-numbered
24 year; ~~\$42~~ \$44.

25 **SECTION 2894.** 440.08 (2) (a) 63x. of the statutes is amended to read:

SENATE BILL 45**SECTION 2894**

1 440.08 (2) (a) 63x. Professional soil scientist: August 1 of each even-numbered
2 year; ~~\$42~~ \$44.

3 **SECTION 2895.** 440.08 (2) (a) 64. of the statutes is amended to read:

4 440.08 (2) (a) 64. Psychologist: October 1 of each odd-numbered year; ~~\$107~~
5 \$105.

6 **SECTION 2896.** 440.08 (2) (a) 65. of the statutes is amended to read:

7 440.08 (2) (a) 65. Real estate broker: January 1 of each odd-numbered year;
8 ~~\$125~~ \$109.

9 **SECTION 2897.** 440.08 (2) (a) 66. of the statutes is amended to read:

10 440.08 (2) (a) 66. Real estate business entity: January 1 of each odd-numbered
11 year; ~~\$71~~ \$57.

12 **SECTION 2898.** 440.08 (2) (a) 67. of the statutes is amended to read:

13 440.08 (2) (a) 67. Real estate salesperson: January 1 of each odd-numbered
14 year; ~~\$73~~ \$79.

15 **SECTION 2899.** 440.08 (2) (a) 67m. of the statutes is amended to read:

16 440.08 (2) (a) 67m. Registered interior designer: August 1 of each
17 even-numbered year; ~~\$41~~ \$47.

18 **SECTION 2900.** 440.08 (2) (a) 67q. of the statutes, as created by 1997 Wisconsin
19 Act 156, is amended to read:

20 440.08 (2) (a) 67q. Registered massage therapist or bodyworker: March 1 of
21 each odd-numbered year; ~~\$41~~ \$44.

22 **SECTION 2901.** 440.08 (2) (a) 67v. of the statutes, as created by 1997 Wisconsin
23 Act 261, is amended to read:

24 440.08 (2) (a) 67v. Registered music, art or dance therapist: October 1 of each
25 odd-numbered year; ~~\$41~~ \$44.

SENATE BILL 45**SECTION 2902**

1 **SECTION 2902.** 440.08 (2) (a) 68. of the statutes is amended to read:

2 440.08 (2) (a) 68. Respiratory care practitioner: November 1 of each
3 odd-numbered year; ~~\$42~~ \$50.

4 **SECTION 2903.** 440.08 (2) (a) 68d. of the statutes is amended to read:

5 440.08 (2) (a) 68d. Social worker: July 1 of each odd-numbered year; ~~\$44~~ \$54.

6 **SECTION 2904.** 440.08 (2) (a) 68h. of the statutes is amended to read:

7 440.08 (2) (a) 68h. Social worker, advanced practice: July 1 of each
8 odd-numbered year; ~~\$46~~ \$53.

9 **SECTION 2905.** 440.08 (2) (a) 68p. of the statutes is amended to read:

10 440.08 (2) (a) 68p. Social worker, independent: July 1 of each odd-numbered
11 year; ~~\$49~~ \$55.

12 **SECTION 2906.** 440.08 (2) (a) 68t. of the statutes is amended to read:

13 440.08 (2) (a) 68t. Social worker, independent clinical: July 1 of each
14 odd-numbered year; ~~\$57~~ \$69.

15 **SECTION 2907.** 440.08 (2) (a) 68v. of the statutes is amended to read:

16 440.08 (2) (a) 68v. Speech-language pathologist: February 1 of each
17 odd-numbered year; ~~\$44~~ \$53.

18 **SECTION 2908.** 440.08 (2) (a) 69. of the statutes is amended to read:

19 440.08 (2) (a) 69. Time-share salesperson: January 1 of each odd-numbered
20 year; ~~\$61~~ \$103.

21 **SECTION 2909.** 440.08 (2) (a) 70. of the statutes is amended to read:

22 440.08 (2) (a) 70. Veterinarian: January 1 of each even-numbered year; ~~\$82~~
23 \$95.

24 **SECTION 2910.** 440.08 (2) (a) 71. of the statutes is amended to read:

SENATE BILL 45**SECTION 2910**

1 440.08 (2) (a) 71. Veterinary technician: January 1 of each even-numbered
2 year; \$42 ~~\$48~~.

3 **SECTION 2911.** 440.08 (2) (d) of the statutes is created to read:

4 440.08 (2) (d) If an applicant for credential renewal requests that the
5 department process an application on an expedited basis, the applicant shall pay a
6 service fee that is equal to the department's best estimate of the cost of processing
7 the application on an expedited basis, including the cost of providing counter or other
8 special handling services.

9 **SECTION 2912.** 440.23 (1) of the statutes is amended to read:

10 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
11 or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card
12 and the check is not paid by the ~~bank~~ financial institution upon which the check is
13 drawn or if the demand for payment under the debit or credit card transaction is not
14 paid by the financial institution upon which demand is made, the department may
15 cancel the credential on or after the 60th day after the department receives the notice
16 from the ~~bank~~ financial institution, subject to sub. (2).

17 **SECTION 2913.** 440.23 (2) (intro.) of the statutes is amended to read:

18 440.23 (2) (intro.) At least 20 days before canceling a credential, the
19 department shall mail a notice to the holder of the credential that informs the holder
20 that the check or demand for payment under the debit or credit card transaction was
21 not paid by the ~~bank~~ financial institution and that the holder's credential may be
22 canceled on the date determined under sub. (1) unless the holder does all of the
23 following before that date:

24 **SECTION 2914.** 440.23 (2) (a) of the statutes is amended to read:

SENATE BILL 45**SECTION 2914**

1 440.23 (2) (a) Pays the fee for which the unpaid check or demand for payment
2 under the credit or debit card transaction was issued.

3 **SECTION 2915.** 440.41 (5m) of the statutes is renumbered 440.01 (1) (am).

4 **SECTION 2916.** 440.91 (1) of the statutes is amended to read:

5 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
6 ~~or solicits the sale of~~ a total of 10 or more cemetery lots or mausoleum spaces during
7 a calendar year ~~and that pays any commission or other compensation to any person~~
8 ~~for selling or soliciting the sale of its cemetery lots or mausoleum spaces~~ shall register
9 with the department. The registration shall be in writing and shall include the
10 names of the officers of the cemetery authority. A cemetery authority shall file a
11 separate registration for each cemetery at which 10 or more cemetery lots or
12 mausoleum spaces are sold during a calendar year.

13 **SECTION 2917.** 440.91 (2) (intro.) of the statutes is amended to read:

14 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every ~~individual who~~
15 person that sells or solicits the sale of, or ~~who~~ that expects to sell or solicit the sale
16 of, ~~a total of~~ 10 or more cemetery lots or 10 or more mausoleum spaces during a
17 calendar year shall register with the department. ~~An individual~~ A person may not
18 be registered as a cemetery salesperson except upon the written request of a
19 cemetery authority and the payment of the fee specified in s. 440.05 (1). The
20 cemetery authority shall certify in writing to the department that the ~~individual~~
21 person is competent to act as a cemetery salesperson. ~~Within 10 days after the~~
22 ~~certification of any cemetery salesperson, the cemetery salesperson shall verify and~~
23 An applicant for registration as a cemetery salesperson shall furnish to the
24 department, in such form as the department prescribes, all of the following
25 information:

SENATE BILL 45**SECTION 2918**

1 **SECTION 2918.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

2 440.91 (2) (a) The name and address of the applicant and, if the applicant is
3 a business entity, as defined in s. 452.01 (3j), the name and address of each business
4 representative, as defined in s. 452.01 (3k).

5 **SECTION 2919.** 440.91 (2) (b) and (c) of the statutes are repealed.

6 **SECTION 2920.** 440.91 (7) of the statutes is amended to read:

7 440.91 (7) ~~An individual who~~ A person that solicits the sale of cemetery lots or
8 mausoleum spaces in a cemetery organized, maintained and operated by a town,
9 village, city, church, synagogue or mosque, religious, fraternal or benevolent society
10 or incorporated college of a religious order is not required to be registered under sub.
11 (2).

12 **SECTION 2921.** 440.91 (8) of the statutes is repealed.

13 **SECTION 2922.** 440.92 (3) (c) 3. of the statutes is amended to read:

14 440.92 (3) (c) 3. The preneed seller files with the department a bond furnished
15 by a surety company authorized to do business in this state or an irrevocable letter
16 of credit from a financial institution, ~~as defined in s. 157.19 (1),~~ and the amount of
17 the bond or letter of credit is sufficient to secure the cost to the cemetery authority
18 of constructing the mausoleum.

19 **SECTION 2923.** 440.95 (2) of the statutes is amended to read:

20 440.95 (2) ~~Any individual who~~ person that is required to register as a cemetery
21 salesperson under s. 440.91 (2) and ~~who~~ that fails to register may be fined not less
22 than \$25 nor more than \$200 or imprisoned for not more than 6 months or both.

23 **SECTION 2924.** 459.09 of the statutes is amended to read:

24 **459.09 Renewal of license.** Each person issued a license under this
25 subchapter shall, on or before the applicable renewal date specified under s. 440.08

SENATE BILL 45**SECTION 2924**

1 (2) (a), pay to the department the applicable renewal fee specified under s. 440.08 (2)
2 (a) and, for a license that expires on or after February 1, 2001, submit with the
3 renewal application proof that he or she completed, within the 2 years immediately
4 preceding the date of his or her application, 20 hours of continuing education
5 programs or courses of study approved or required under rules promulgated under
6 s. 459.095. A licensee shall keep the certificate conspicuously posted in his or her
7 office or place of business at all times. Where more than one office is operated by the
8 licensee, duplicate certificates shall be issued by the department for posting in each
9 location.

10 **SECTION 2925.** 459.22 (2) (e) of the statutes is amended to read:

11 459.22 (2) (e) Require an ~~employee of a speech-language pathologist or~~
12 ~~audiologist~~ individual to be licensed under this subchapter to assist in the practice
13 of speech-language pathology or audiology under the direct supervision of the
14 speech-language pathologist or audiologist.

15 **SECTION 2926.** 459.24 (5) of the statutes is amended to read:

16 459.24 (5) EXPIRATION AND RENEWAL. The renewal dates for licenses granted
17 under this subchapter, other than temporary licenses granted under sub. (6), are
18 specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
19 department on a form provided by the department and shall include the renewal fee
20 specified in s. 440.08 (2) (a) and, for licenses that expire on or after February 1, 2001,
21 proof that the applicant completed, within the 2 years immediately preceding the
22 date of his or her application, 20 hours of continuing education programs or courses
23 of study approved or required under rules promulgated under sub. (5m).

24 **SECTION 2927.** 552.23 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 2927**

1 552.23 (1) If the target company is an insurance company subject to regulation
2 by the commissioner of insurance, a banking corporation subject to regulation by the
3 division of banking, a savings bank or savings and loan association subject to
4 regulation by the division of savings and loan institutions, or a company subject to
5 regulation by the public service commission, the department of transportation or the
6 office of the commissioner of railroads, the division of securities shall promptly
7 furnish a copy of the registration statement filed under this chapter to the regulatory
8 agency having supervision of the target company. Any hearing under this chapter
9 involving any such target company shall be held jointly with the regulatory agency
10 having supervision, and any determination following the hearing shall be made
11 jointly with that regulatory agency.

12 **SECTION 2928.** 560.01 (2) (a) of the statutes is amended to read:

13 560.01 (2) (a) *State economic policy.* The department shall develop a state
14 economic policy. The department shall promote and provide technical assistance,
15 consultative services and other assistance to commercial, industrial and recreational
16 development and expansion; facilitate the establishment and retention of business
17 enterprises in this state, including small and minority business enterprises;
18 encourage cooperation between financial institutions and business persons to
19 encourage commercial, industrial and recreational business expansion in this state;
20 encourage creation of jobs throughout the state and especially in urban and rural
21 economically depressed areas; develop and coordinate state public and private
22 economic development plans and federal economic development assistance
23 programs affecting local governments and business and industry; advise, assist and
24 cooperate with the biotechnology development finance company under s. 234.64;
25 encourage the growth of tourism in the state; promote state products and industries

SENATE BILL 45**SECTION 2928**

1 in both foreign and domestic markets; provide informational clearinghouses for
2 businesses and communities in their dealings with other state and federal agencies;
3 advise the governor and legislature on the role of the state in state-local affairs;
4 study the problems affecting local government relations as they impact on economic
5 development and make recommendations for relieving these problems; develop a
6 state-local relations policy to facilitate closer coordination and cooperation between
7 state and local governments; advise the governor and the legislature regarding
8 problems faced by local governments; develop an improved pattern of state-local
9 relations; and develop recommendations for legislative or administrative action as
10 may appear necessary.

11 **SECTION 2929.** 560.03 (16) of the statutes is repealed.

12 **SECTION 2930.** 560.05 (3) of the statutes is amended to read:

13 560.05 (3) The Subject to s. 893.83, the state shall be liable for accrued rentals
14 and for any other default under any lease or sublease made under sub. (2) (c) and may
15 be sued therefor on contract as in other contract actions under ch. 775, except that
16 it shall not be necessary for the lessor under any such lease or sublease or any
17 assignee of such lessor or any person or other legal entity proceeding on behalf of such
18 lessor to file any claim with the legislature prior to the commencement of any such
19 action.

20 **SECTION 2931.** 560.06 (title) of the statutes is amended to read:

21 **560.06 (title) Memorandum of understanding on use of allocated**
22 **moneys for providing assistance to a nonprofit organization.**

23 **SECTION 2932.** 560.06 of the statutes is renumbered 560.06 (1) and amended
24 to read:

SENATE BILL 45**SECTION 2932**

1 560.06 (1) The department may provide assistance to a nonprofit organization
2 that provides assistance to organizations and individuals in urban areas. No later
3 than December 30, 1997, the department of commerce shall enter into a
4 memorandum of understanding with the department of administration that
5 specifies how the department of commerce may use the moneys allocated under s.
6 20.143 (1) (c) for providing assistance under this ~~section~~ subsection.

7 **SECTION 2933.** 560.06 (2) of the statutes is created to read:

8 560.06 (2) In fiscal year 1999-2000, the department may provide up to
9 \$100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to a
10 nonprofit organization that provides assistance to organizations and individuals in
11 urban areas. Notwithstanding sub. (1), the department shall use the moneys
12 authorized under this subsection in accordance with the memorandum of
13 understanding under sub. (1).

14 **SECTION 2934.** 560.07 (2m) of the statutes is repealed.

15 **SECTION 2935.** 560.07 (9) of the statutes is repealed.

16 **SECTION 2936.** 560.08 (2) (m) of the statutes is repealed.

17 **SECTION 2937.** 560.081 (2) (h) of the statutes is amended to read:

18 560.081 (2) (h) Provide training, technical assistance and information on the
19 revitalization of business areas to municipalities which do not participate in the
20 state main street program. The department may charge reasonable fees for the
21 services and information provided under this paragraph. The department shall
22 deposit all fees collected under this paragraph in the appropriation account under
23 s. 20.143 (1) (g).

24 **SECTION 2938.** 560.13 (1) (cr) of the statutes is created to read:

SENATE BILL 45**SECTION 2938**

1 560.13 (1) (cr) "Eligible individual" means an individual who is the parent of
2 a minor child and whose family income does not exceed 200% of the poverty line, as
3 defined in s. 49.001 (5).

4 **SECTION 2939.** 560.13 (2) (am) of the statutes is created to read:

5 560.13 (2) (am) Subject to subs. (4) and (5), from the appropriation under s.
6 20.143 (1) (kd), the department may make a grant to a person, municipality or local
7 development corporation if all of the following apply:

- 8 1. The conditions under par. (a) 1. to 3. apply with respect to the recipient.
- 9 2. With the grant proceeds, the recipient will create or retain jobs, at least 80%
10 of which will be filled by eligible individuals.

11 **SECTION 2940.** 560.13 (2) (b) 1. of the statutes is amended to read:

12 560.13 (2) (b) 1. The contribution required under par. (a) 3., and under par. (am)
13 1. by reference to par. (a) 3., may be in cash or in-kind. Cash contributions may be
14 of private or public funds, excluding funds obtained under the program under s.
15 560.17 or under any program under subch. V or VII of this chapter. In-kind
16 contributions shall be limited to actual remediation services.

17 **SECTION 2941.** 560.13 (3) (a) (intro.) of the statutes is amended to read:

18 560.13 (3) (a) (intro.) The department shall award grants under ~~this section~~
19 sub. (2) (a) on the basis of the following criteria:

20 **SECTION 2942.** 560.13 (3) (c) of the statutes is created to read:

21 560.13 (3) (c) The department shall award grants under sub. (2) (am) on the
22 basis of the following criteria:

- 23 1. The potential of the project to promote economic development in the area.
- 24 2. The number of jobs likely to be created or retained.
- 25 3. Whether the project will have a positive effect on the environment.

SENATE BILL 45**SECTION 2942**

1 4. The amount and quality of the recipient's contribution to the project.

2 5. The innovativeness of the recipient's proposal for remediation and
3 redevelopment.

4 **SECTION 2943.** 560.13 (3) (d) of the statutes is created to read:

5 560.13 (3) (d) If possible, when making a determination under par. (c), the
6 department shall accord a 50% weight to the criteria under par. (c) 1. and 2., a 25%
7 weight to the criterion under par. (c) 3., a 15% weight to the criterion under par. (c)
8 4. and a 10% weight to the criterion under par. (c) 5.

9 **SECTION 2944.** 560.13 (4) (a) (intro.) of the statutes is amended to read:

10 560.13 (4) (a) (intro.) ~~From the appropriations under s. 20.143 (1) (br) and (qm)~~
11 ~~in fiscal year 1997–98, and from the appropriation under s. 20.143 (1) (qm) in fiscal~~
12 ~~year 1998–99~~ Under this section, the department shall award all of the following in
13 each of those fiscal years fiscal year:

14 **SECTION 2945.** 560.13 (4) (a) 1. of the statutes is amended to read:

15 560.13 (4) (a) 1. A total of \$750,000 \$3,000,000 in grants that do not exceed
16 \$300,000.

17 **SECTION 2946.** 560.13 (4) (a) 2. of the statutes is amended to read:

18 560.13 (4) (a) 2. A total of \$1,750,000 \$3,000,000 in grants that are greater than
19 \$300,000 but that do not exceed \$700,000.

20 **SECTION 2947.** 560.13 (4) (a) 3. of the statutes is amended to read:

21 560.13 (4) (a) 3. A total of \$2,500,000 \$4,000,000 in grants that are greater than
22 \$700,000 but that do not exceed \$1,250,000.

23 **SECTION 2948.** 560.13 (4) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 2948**

1 560.13 (4) (c) The department shall award at least 7 14 grants under this
2 section for projects that are located in municipalities with a population of less than
3 ~~30,000~~ 50,000.

4 **SECTION 2949.** 560.13 (6) of the statutes is renumbered 560.13 (6) (a) (intro.)
5 and amended to read:

6 560.13 (6) (a) (intro.) The department shall promulgate rules that establish do
7 all of the following:

8 1. Establish criteria, within the guidelines under subs. (2) and (3), for awarding
9 grants under this section, including the circumstances under which grant proceeds
10 may be used for assessment services.

11 **SECTION 2950.** 560.13 (6) (a) 2. of the statutes is created to read:

12 560.13 (6) (a) 2. Establish the hours and benefits of employment for eligible
13 individuals.

14 **SECTION 2951.** 560.13 (6) (b) of the statutes is created to read:

15 560.13 (6) (b) An applicant for a grant under sub. (2) (am) shall include in its
16 application a plan for creating jobs, including jobs to be filled by eligible individuals.

17 **SECTION 2952.** 560.137 of the statutes is created to read:

18 **560.137 Gaming economic development grants and loans. (1)** In this
19 section:

20 (a) "Professional services" has the meaning given in s. 560.17 (1) (c).

21 (b) "Qualified business" means an existing business that is located in this state
22 in a county, or in a county that is adjacent to a county in this state, in which is located
23 a casino that is operated by a federally recognized American Indian tribe or band in
24 this state.

SENATE BILL 45**SECTION 2952**

1 **(2)** Subject to subs. (3), (4) and (5), from the appropriations under s. 20.143 (1)
2 (ig) and (kj), the department may do all of the following:

3 (a) Make a grant that does not exceed \$15,000 to a qualified business for
4 professional services.

5 (b) Make a grant or loan that does not exceed \$100,000 to a qualified business
6 for fixed asset financing.

7 **(3)** The department may not make a grant or loan to a qualified business under
8 this section unless the department determines all of the following:

9 (a) That the qualified business has been negatively impacted by the existence
10 of the casino.

11 (b) That the qualified business has a legitimate need for the grant or loan to
12 improve the profitability of the business.

13 **(4)** As a condition of approval of a grant or loan under this section, the
14 department shall require that the qualified business provide matching funds for at
15 least 25% of the cost of the project. The department may waive the requirement
16 under this subsection if the department determines that the qualified business is
17 subject to extreme financial hardship.

18 **(5)** The department may not award a grant or loan under this section to a
19 qualified business for any purpose that is related to tourism unless the department
20 of tourism concurs in the award.

21 **(6)** (a) The department shall deposit into the appropriation account under s.
22 20.143 (1) (ig) all moneys received in repayment of loans made under this section.

23 (b) The department may forgive all or any part of a loan made under this
24 section.

25 **SECTION 2953.** 560.138 of the statutes is created to read:

SENATE BILL 45**SECTION 2953**

1 **560.138 Gaming economic diversification grants and loans. (1)** In this
2 section, “qualified business” means an existing business that is located in, or
3 expanding into, any of the following:

4 (a) A county in this state in which is located a casino that is operated by a
5 federally recognized American Indian tribe or band in this state.

6 (b) A county in this state that is adjacent to a county in this state in which is
7 located a casino that is operated by a federally recognized American Indian tribe or
8 band in this state.

9 **(2)** (a) Subject to subs. (3) and (4), from the appropriations under s. 20.143 (1)
10 (id) and (km), the department may make a grant or loan to a qualified business for
11 a project for the purpose of diversifying the economy of a community in proximity to
12 a casino.

13 (b) In determining whether to award a grant or loan under this section, the
14 department shall consider all of the following:

- 15 1. A project’s potential to retain or increase the number of jobs.
- 16 2. A project’s potential to provide for significant capital investment.
- 17 3. A project’s contribution to the economy of the community in proximity to the
18 casino and of the state.

19 **(3)** As a condition of approval of a grant or loan under this section, the
20 department shall require that a qualified business provide matching funds for at
21 least 25% of the cost of a project.

22 **(4)** The department may not award a grant or loan under this section to a
23 qualified business for any purpose that is related to tourism unless the department
24 of tourism concurs in the award.

SENATE BILL 45**SECTION 2953**

1 (5) The department shall deposit into the appropriation account under s.
2 20.143 (1) (id) all moneys received in repayment of loans made under this section.

3 **SECTION 2954.** 560.14 (4) (a) of the statutes is renumbered 560.14 (4), and
4 560.14 (4) (intro.), (f) and (g), as renumbered, are amended to read:

5 560.14 (4) (intro.) ~~Subject to par. (b), the~~ The department may make a grant
6 under this subsection from the appropriation under s. 20.143 (1) (fg) to a
7 community-based organization for regional economic development activity if all of
8 the following apply:

9 (f) The applicants submit a plan that describes the economic development
10 activity, how the economic development activity satisfies the criteria under this
11 ~~paragraph~~ subsection, how the grant will be administered and how the grant
12 proceeds will be used to support the economic development activity; and the
13 secretary approves the plan.

14 (g) The applicants provide documentation of the contributions required under
15 ~~subd. 5~~ par. (e).

16 **SECTION 2955.** 560.14 (4) (b) of the statutes is repealed.

17 **SECTION 2956.** 560.175 of the statutes is created to read:

18 **560.175 Urban area early planning grants. (1)** In this section:

19 (a) “Early planning project” means the preliminary stages of considering and
20 planning the expansion or start-up of a business that is or will be located in an urban
21 area in this state.

22 (b) “Urban area” means any of the following:

23 1. A city, village or town that is located in a county with a population density
24 of at least 150 persons per square mile.

25 2. A city, village or town with a population of more than 6,000.

SENATE BILL 45**SECTION 2956**

- 1 **(2)** Subject to subs. (3) and (6), the department may make a grant from the
2 appropriation under s. 20.143 (1) (c) to a person to fund an early planning project.
- 3 **(3)** The department may not award a grant to a person under this section unless
4 the person submits an application, in a form required by the department, that
5 contains or describes all of the following:
- 6 (a) The location of the new or expanding business.
- 7 (b) The ownership structure of the new or expanding business.
- 8 (c) The product or service provided by the new or expanding business.
- 9 (d) The market for the product or service described in par. (c).
- 10 (e) Competition within the market described in par. (d).
- 11 (f) Any competitive advantages of the new or expanding business.
- 12 (g) The person's estimate of the gross revenue of the new or expanding business
13 over a period specified by the department.
- 14 (h) The process for manufacturing the product, or providing the services, of the
15 new or expanding business.
- 16 (i) An estimate of the number of jobs that will be created by the new or
17 expanding business.
- 18 (j) The person's experience and training.
- 19 (k) The person's estimate of the profit that will be generated by the new or
20 expanding business over a period specified by the department.
- 21 (L) The person's estimate of the capital required to complete the early planning
22 project.
- 23 (m) Potential sources of financing for the early planning project.
- 24 (n) Any other information that the department requests.

SENATE BILL 45**SECTION 2956**

1 **(4)** A person who receives a grant under this section may use the grant proceeds
2 only for any of the following:

3 (a) To perform a business feasibility study.

4 (b) To prepare a detailed marketing plan.

5 (c) To prepare a detailed business plan.

6 **(5)** In order to receive a grant under this section a person shall contribute cash,
7 from a source other than the state, in an amount that equals at least 25% of the total
8 cost of the project.

9 **(6)** (a) In any fiscal biennium, the department may not award to any one person
10 more than \$15,000 in grants under this section.

11 (b) In any fiscal biennium, the department may not award more than \$250,000
12 in grants under this section.

13 **SECTION 2957.** 560.183 (3) (b) of the statutes is amended to read:

14 560.183 **(3)** (b) The agreement shall specify that the responsibility of the
15 department to make the payments under the agreement is subject to the availability
16 of funds in the appropriations under s. 20.143 (1) ~~(f)~~, (jc) ~~and~~, (jm) and (kr).

17 **SECTION 2958.** 560.183 (5) (a) of the statutes is amended to read:

18 560.183 **(5)** (a) The obligation of the department to make payments under an
19 agreement entered into under sub. (3) (b) is subject to the availability of funds in the
20 appropriations under s. 20.143 (1) ~~(f)~~, (jc) ~~and~~, (jm) and (kr).

21 **SECTION 2959.** 560.183 (5) (b) (intro.) of the statutes is amended to read:

22 560.183 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants,
23 when added to the cost of loan repayments scheduled under existing agreements,
24 exceeds the total amount in the appropriations under s. 20.143 (1) ~~(f)~~, (jc) ~~and~~, (jm)

SENATE BILL 45**SECTION 2959**

1 and (kr), the department shall establish priorities among the eligible applicants
2 based upon the following considerations:

3 **SECTION 2960.** 560.183 (8) (intro.) of the statutes is amended to read:

4 560.183 (8) ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under
5 s. 20.143 (1) (~~f~~) (kr), the department shall contract with the board of regents of the
6 University of Wisconsin System for administrative services from the office of rural
7 health of the department of professional and community development of the
8 University of Wisconsin Medical School. Under the contract, the office of rural health
9 shall do all of the following:

10 **SECTION 2961.** 560.184 (3) (b) of the statutes is amended to read:

11 560.184 (3) (b) The agreement shall specify that the responsibility of the
12 department to make the payments under the agreement is subject to the availability
13 of funds in the appropriations under s. 20.143 (1) (~~f~~), (jc) ~~and~~, (jL) and (kr).

14 **SECTION 2962.** 560.184 (5) (a) of the statutes is amended to read:

15 560.184 (5) (a) The obligation of the department to make payments under an
16 agreement entered into under sub. (3) is subject to the availability of funds in the
17 appropriations under s. 20.143 (1) (~~f~~), (jc) ~~and~~, (jL) and (kr).

18 **SECTION 2963.** 560.184 (5) (b) (intro.) of the statutes is amended to read:

19 560.184 (5) (b) (intro.) If the cost of repaying the loans of all eligible applicants,
20 when added to the cost of loan repayments scheduled under existing agreements,
21 exceeds the total amount in the appropriations under s. 20.143 (1) (~~f~~), (jc) ~~and~~, (jL)
22 and (kr), the department shall establish priorities among the eligible applicants
23 based upon the following considerations:

24 **SECTION 2964.** 560.184 (7) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 2964**

1 560.184 (7) ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under
2 s. 20.143 (1) (f) (~~kr~~), the department shall contract with the board of regents of the
3 University of Wisconsin System for administrative services from the office of rural
4 health of the department of professional and community development of the
5 University of Wisconsin Medical School. Under the contract, the office of rural health
6 shall do all of the following:

7 **SECTION 2965.** 560.19 (title) of the statutes is amended to read:

8 **560.19 (title) ~~Hazardous pollution~~ Pollution prevention.**

9 **SECTION 2966.** 560.19 (1) of the statutes is amended to read:

10 560.19 (1) In this section, “~~hazardous~~ pollution prevention” has the meaning
11 given in s. 299.13 (1) (e) (~~dm~~).

12 **SECTION 2967.** 560.19 (2) (a) 1. of the statutes is amended to read:

13 560.19 (2) (a) 1. Determining the full costs of using and producing hazardous
14 substances, toxic pollutants and solid or hazardous waste.

15 **SECTION 2968.** 560.19 (2) (a) 2. of the statutes is amended to read:

16 560.19 (2) (a) 2. Identifying processes that use or produce hazardous
17 substances, toxic pollutants or solid or hazardous waste and the composition of the
18 hazardous substances, toxic pollutants or solid or hazardous waste.

19 **SECTION 2969.** 560.19 (2) (a) 3. of the statutes is amended to read:

20 560.19 (2) (a) 3. Identifying ~~hazardous~~ pollution prevention options.

21 **SECTION 2970.** 560.19 (2) (b) 1. of the statutes is amended to read:

22 560.19 (2) (b) 1. The need for a ~~hazardous~~ pollution prevention assessment and
23 a program participant’s willingness to participate in an assessment.

24 **SECTION 2971.** 560.19 (2) (b) 2. of the statutes is amended to read:

SENATE BILL 45**SECTION 2971**

1 560.19 (2) (b) 2. The technical and financial ability of a program participant to
2 implement hazardous pollution prevention.

3 **SECTION 2972.** 560.19 (2) (b) 3. of the statutes is amended to read:

4 560.19 (2) (b) 3. The potential for others to use the information gained from a
5 hazardous pollution prevention assessment.

6 **SECTION 2973.** 560.19 (3) of the statutes is amended to read:

7 560.19 (3) In coordination with the ~~hazardous pollution prevention program~~
8 solid and hazardous waste education center under s. 36.25 (30) and the department
9 of natural resources, the department shall conduct an education, environmental
10 management and technical assistance program to promote hazardous pollution
11 prevention among businesses in the state.

12 **SECTION 2974.** 560.20 (1) (f) of the statutes is amended to read:

13 560.20 (1) (f) "Small business" means a for-profit business having fewer than
14 25 100 full-time employees.

15 **SECTION 2975.** 560.20 (2) (a) of the statutes is amended to read:

16 560.20 (2) (a) The department may provide technical assistance to an
17 individual, small business or nonprofit organization. In addition to or in lieu of the
18 technical assistance provided by the department and subject to par. (e), the
19 department may make a grant to an individual, small business or nonprofit
20 organization from the appropriation under s. 20.143 (1) (en) to partially fund
21 technical assistance provided to the individual, small business or nonprofit
22 organization. Technical assistance or a grant for technical assistance provided under
23 this paragraph shall be for the purpose of developing and planning, at the
24 preliminary stages, the start-up or expansion of a for-profit business that is or will
25 be located in this state.

SENATE BILL 45**SECTION 2976**

1 **SECTION 2976.** 560.20 (2) (e) of the statutes is created to read:

2 560.20 (2) (e) If the department makes a grant under par. (a), the department
3 may contract directly with and pay grant proceeds directly to any person providing
4 technical assistance to the individual, small business or nonprofit organization for
5 the purpose specified in par. (a).

6 **SECTION 2977.** 560.20 (3) (a) (intro.) of the statutes is amended to read:

7 560.20 (3) (a) (intro.) The Subject to par. (cm), the department may award funds
8 appropriated under s. 20.143 (1) (en) and (in) to an individual, small business or
9 nonprofit organization for use in connection with the start-up or expansion of a
10 for-profit business if all of the following apply:

11 **SECTION 2978.** 560.20 (3) (cm) of the statutes is created to read:

12 560.20 (3) (cm) If the department awards a grant under this subsection, the
13 department may contract directly with and pay grant proceeds directly to any person
14 providing management assistance to the individual, small business or nonprofit
15 organization.

16 **SECTION 2979.** 560.25 of the statutes is created to read:

17 **560.25 Manufacturing extension center grants. (1) DEFINITIONS.** In this
18 section:

19 (a) “Biotechnology” means technology related to life sciences.

20 (b) “Business” means a company located in this state, a company that has made
21 a firm commitment to locate a facility in this state or a group of companies at least
22 80% of which are located in this state.

23 (c) “Technology” includes biotechnology.

24 (d) “Technology-based nonprofit organization” means a nonprofit corporation,
25 as defined in s. 181.0103 (17), or an organization described in section 501 (c) (3) of

SENATE BILL 45**SECTION 2979**

1 the Internal Revenue Code that is exempt from federal income tax under section 501
2 (a) of the Internal Revenue Code, and that has as a mission the transfer of technology
3 to businesses in this state.

4 **(2) GRANTS.** Subject to subs. (4) and (5), the department may make a grant from
5 the appropriation under s. 20.143 (1) (ie) to a technology-based nonprofit
6 organization to provide support for a manufacturing extension center if all of the
7 following apply:

8 (a) The technology-based nonprofit organization submits to the department a
9 plan detailing its proposed expenditures and performance measures related to the
10 project.

11 (b) The secretary approves the plan submitted under par. (a).

12 **(3) RESTRICTION ON GRANT RECIPIENTS.** A technology-based nonprofit
13 organization that receives a grant under this section is thereafter ineligible to
14 receive a grant or loan under subch. V.

15 **(4) LIMIT ON GRANTS.** The department may not award more than \$1,000,000 in
16 grants under this section in a fiscal year.

17 **(5) PROGRAM SUNSET.** The department may not encumber any moneys under
18 this section after June 30, 2001.

19 **SECTION 2980.** 560.42 (5) of the statutes is repealed and recreated to read:

20 560.42 **(5) REPORT.** Beginning in 2001 and biennially thereafter, the center
21 shall prepare a report describing its activities under this section since the period
22 covered in the previous report. The department shall submit the report with the
23 report required under s. 560.55. The report may include recommendations for the
24 legislature, governor, public records board and regulatory agencies concerning all of
25 the following:

SENATE BILL 45**SECTION 2980**

- 1 (a) Improving permit application forms.
- 2 (b) Eliminating unnecessary or duplicative permit requirements.
- 3 (c) Simplifying the process of applying for permits, of reviewing and making
- 4 determinations on permit applications and of issuing permits.

5 **SECTION 2981.** 560.42 (6) of the statutes is repealed.

6 **SECTION 2982.** 560.55 (1) of the statutes is repealed.

7 **SECTION 2983.** 560.55 (2) of the statutes is renumbered 560.55 and amended

8 to read:

9 **560.55 Evaluation and report Report.** No Beginning on October 1, 2001,

10 and no later than January October 1 of each odd-numbered year thereafter, the

11 department shall submit to the governor and to the chief clerk of each house of the

12 legislature, for distribution to the legislature under s. 13.172 (2), a report ~~containing~~

13 ~~the evaluation prepared under sub. (1) and~~ describing the department's activities

14 and the result of the department's activities under s. 560.54 since the period covered

15 in the previous report. The department shall combine this report with the report

16 required under s. 560.42 (5) and may combine this report with other reports

17 published by the department. The report may include recommendations for

18 legislative proposals to change the entrepreneurial assistance programs and

19 intermediary assistance programs.

20 **SECTION 2984.** 560.60 (4) of the statutes is amended to read:

21 560.60 (4) "Eligible recipient" means a governing body or a person who is

22 eligible to receive a ~~grant under s. 560.615,~~ a grant or loan under s. 560.62, a grant

23 or loan under s. 560.63 or a grant or loan under s. 560.65.

24 **SECTION 2985.** 560.60 (10) of the statutes is amended to read:

SENATE BILL 45**SECTION 2985**

1 560.60 (10) “Job” means a ~~regular, nonseasonal full-time position in which an~~
2 individual, as a condition of employment, is required to work at least 2,080 hours per
3 year, ~~including paid leave and holidays~~ position providing full-time equivalent
4 employment. “Job” does not include initial training before an employment position
5 begins.

6 **SECTION 2986.** 560.605 (1) (e) (intro.) and 1. of the statutes are consolidated,
7 renumbered 560.605 (1) (e) and amended to read:

8 560.605 (1) (e) The Except as provided in s. 560.68 (6), the eligible recipient
9 receiving the grant or loan will contribute, from funds not provided by this state,
10 ~~whichever of the following applies: 1. Except as provided under subd. 3. and s. 560.68~~
11 ~~(6),~~ not less than 25% of the cost of the project.

12 **SECTION 2987.** 560.605 (1) (e) 3. of the statutes is repealed.

13 **SECTION 2988.** 560.605 (1) (f) of the statutes is amended to read:

14 560.605 (1) (f) The project meets all criteria set forth in s. ~~560.615,~~ 560.62,
15 560.63, 560.65 or 560.66, whichever is appropriate.

16 **SECTION 2989.** 560.605 (1) (g) of the statutes is amended to read:

17 560.605 (1) (g) Funds from the grant or loan under s. ~~560.615,~~ 560.62, 560.63,
18 560.65 or 560.66 will not be used to pay overhead costs, except as provided in s. 560.65
19 (1m) (b), or to replace funds from any other source.

20 **SECTION 2990.** 560.605 (1) (i) of the statutes is created to read:

21 560.605 (1) (i) The eligible recipient has not received a grant under s. 560.25.

22 **SECTION 2991.** 560.605 (2) (intro.) of the statutes is amended to read:

23 560.605 (2) (intro.) The board shall consider all of the following before
24 awarding a grant or loan to an eligible recipient for a project under s. ~~560.615,~~ 560.62,
25 560.63 or 560.66:

SENATE BILL 45**SECTION 2992**

1 **SECTION 2992.** 560.605 (2m) (intro.) of the statutes is amended to read:

2 560.605 **(2m)** (intro.) When considering whether a project under s. ~~560.615~~,
3 560.62, 560.63 or 560.66 will be located in a targeted area, the board shall consider
4 all of the following:

5 **SECTION 2993.** 560.607 (3) of the statutes is created to read:

6 560.607 **(3)** Evaluation costs, collection costs, foreclosure costs and other costs
7 associated with administering the loan portfolio under this subchapter, excluding
8 staff salaries.

9 **SECTION 2994.** 560.61 (1) of the statutes is amended to read:

10 560.61 **(1)** Make a grant or loan to an eligible recipient for a project that meets
11 the criteria for funding under s. 560.605 (1) and (2) and under s. ~~560.615~~, 560.62,
12 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under
13 s. 20.143 (1) (c), (cb), and (ie), ~~(s) and (sm)~~.

14 **SECTION 2995.** 560.615 of the statutes is repealed.

15 **SECTION 2996.** 560.62 (4) of the statutes is renumbered 560.607, and 560.607
16 (intro.) and (1), as renumbered, are amended to read:

17 **560.607 Miscellaneous and administrative expenditures.** (intro.) In each
18 biennium, the board department may expend or encumber up to a total of 1% of the
19 moneys appropriated under s. 20.143 (1) (c) for that biennium for any of the following:

20 **(1)** Evaluations of proposed technical research projects under s. 560.62.

21 **SECTION 2997.** 560.66 (1) (intro.) of the statutes is amended to read:

22 560.66 **(1)** (intro.) The board may award grants and loans under s. 560.61 to
23 eligible recipients for any project that is not eligible for a grant or loan under s.
24 ~~560.615~~, 560.62 or 560.63, if the board determines that the project is a major
25 economic development project and considers all of the following:

SENATE BILL 45**SECTION 2998**

1 **SECTION 2998.** 560.68 (3) of the statutes is amended to read:

2 560.68 (3) The department may charge a ~~grant or loan recipient of a grant or~~
3 ~~loan awarded under this subchapter~~ an origination fee of up to 1.5% of the grant or
4 loan amount if the grant or loan ~~exceeds \$200,000 and is awarded under s. 560.63~~
5 ~~or 560.66 equals \$100,000 or more.~~ The department shall deposit all origination fees
6 collected under this subsection in the appropriation account under s. 20.143 (1) (gm).

7 **SECTION 2999.** 560.745 (2) (a) of the statutes is amended to read:

8 560.745 (2) (a) When the department designates a development zone under s.
9 560.71, it shall establish a limit for tax benefits for the development zone determined
10 by allocating to the development zone a portion of ~~\$33,155,000~~ the total amount of
11 tax benefits specified in s. 560.787.

12 **SECTION 3000.** 560.75 (11) of the statutes is repealed.

13 **SECTION 3001.** 560.785 (1) (b) (intro.) and 1. of the statutes are consolidated,
14 renumbered 560.785 (1) (b) and amended to read:

15 560.785 (1) (b) Allow a person to claim up to ~~\$6,500~~ \$8,000 in tax benefits
16 during the time that an area is designated as a development zone or as an enterprise
17 development zone for ~~any of the following: Creating~~ creating a full-time job that is
18 filled by a member of the target population.

19 **SECTION 3002.** 560.785 (1) (b) 2. of the statutes is repealed.

20 **SECTION 3003.** 560.785 (1) (bm) of the statutes is created to read:

21 560.785 (1) (bm) Allow a person to claim up to \$8,000 in tax benefits during the
22 time that an area is designated as an enterprise development zone for retaining a
23 full-time job if the department determines that the person made a significant capital
24 investment to retain the full-time job.

25 **SECTION 3004.** 560.785 (1) (c) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 3004**

1 560.785 (1) (c) (intro.) Allow a person to claim up to \$4,000 \$6,000 in tax
2 benefits during the time that an area is designated as a development zone or as an
3 enterprise development zone for any of the following:

4 **SECTION 3005.** 560.785 (1) (e) of the statutes is amended to read:

5 560.785 (1) (e) Require at least one-third of the tax benefits claimed by a person
6 that are based on creating ~~or retaining~~ full-time jobs to be based on creating ~~or~~
7 ~~retaining~~ full-time jobs that are filled by members of the target population.

8 **SECTION 3006.** 560.785 (2) (c) of the statutes is created to read:

9 560.785 (2) (c) The requirement under ss. 560.70 (2m) and 560.797 (1) (am) that
10 an individual's position must be regular, nonseasonal and full-time and that the
11 individual must be required to work at least 2,080 hours per year, including paid
12 leave and holidays.

13 **SECTION 3007.** 560.787 of the statutes is created to read:

14 **560.787 Limit on tax benefits.** The combined total of the tax benefits that
15 may be claimed under the development zone program under ss. 560.70 to 560.78 and
16 the enterprise development zone program under s. 560.797 may not exceed
17 \$300,000,000.

18 **SECTION 3008.** 560.795 (3) (e) of the statutes is repealed.

19 **SECTION 3009.** 560.797 (1) (aj) of the statutes is created to read:

20 560.797 (1) (aj) “Environmental remediation” has the meaning given in s. 71.07
21 (2dx) (a) 3.

22 **SECTION 3010.** 560.797 (2) (bg) of the statutes is created to read:

23 560.797 (2) (bg) Notwithstanding par. (a) and subject to pars. (c) and (d), the
24 department may designate an area as an enterprise development zone for a project
25 if the department determines all of the following:

SENATE BILL 45**SECTION 3010**

- 1 1. That the project serves a public purpose.
- 2 2. That the project is not likely to occur or continue without the department's
- 3 designation of the area as an enterprise development zone.
- 4 3. That the project will likely provide for significant environmental
- 5 remediation.

6 **SECTION 3011.** 560.797 (2) (br) of the statutes is created to read:

7 560.797 (2) (br) In making a determination under par. (bg), the department

8 shall consider all of the following:

- 9 1. The factors specified in par. (b) 1. to 8.
- 10 2. The environmental remediation that is likely to result from the project.

11 **SECTION 3012.** 560.797 (2) (d) of the statutes is amended to read:

12 560.797 (2) (d) ~~The department may not designate more than 50~~ up to 100

13 ~~enterprise development zones unless the department obtains the approval of the~~

14 ~~joint committee on finance to do so.~~ Of the enterprise development zones that the

15 department designates, at least 10 shall be designated under par. (bg).

16 **SECTION 3013.** 560.797 (4) (e) of the statutes is repealed.

17 **SECTION 3014.** 560.797 (5) (b) of the statutes is amended to read:

18 560.797 (5) (b) When the department designates an area as an enterprise

19 development zone under this section, the department shall establish a limit, not to

20 exceed \$3,000,000 and subject to the limit under s. 560.787, for tax benefits for the

21 enterprise development zone.

22 **SECTION 3015.** 560.80 (5) of the statutes is amended to read:

23 560.80 (5) "Eligible recipient" means a person who is eligible to receive a grant

24 under s. 560.82 (5) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b) or

25 560.835.

SENATE BILL 45**SECTION 3016**

1 **SECTION 3016.** 560.81 (2) of the statutes is amended to read:

2 560.81 (2) The board awards a grant or loan to the eligible recipient or local
3 development corporation under ss. 560.83 (1) and 560.84 or to the eligible recipient
4 under ss. 560.835 and 560.84.

5 **SECTION 3017.** 560.83 (1) of the statutes is amended to read:

6 560.83 (1) Subject to s. 560.84, the board may award a grant or loan under this
7 ~~section~~ subsection to an eligible recipient or a local development corporation to fund
8 eligible development project costs.

9 **SECTION 3018.** 560.83 (2) (intro.) of the statutes is amended to read:

10 560.83 (2) (intro.) The board may award a grant or loan under this ~~section~~
11 subsection to a local development corporation if all of the following apply:

12 **SECTION 3019.** 560.83 (4) (a) of the statutes is amended to read:

13 560.83 (4) (a) In any fiscal biennium, the board may not award, to any one
14 eligible recipient or local development corporation or for any one development
15 project, grants or loans under sub. (1) that total more than \$100,000 in a fiscal
16 biennium.

17 **SECTION 3020.** 560.83 (5) (intro.) of the statutes is amended to read:

18 560.83 (5) (intro.) ~~The~~ In addition to local development corporations, the board
19 may award grants or loans under sub. (1) only to persons who are any of the following:

20 **SECTION 3021.** 560.835 (7) (b) of the statutes is amended to read:

21 560.835 (7) (b) The department shall deposit in the ~~recycling fund~~
22 appropriation account under s. 20.143 (1) (L) all moneys received after ~~July 1, 1995~~
23 the effective date of this paragraph ... [revisor inserts date], in repayment of loans
24 made under this section.

25 **SECTION 3022.** 560.87 (6) of the statutes is amended to read:

SENATE BILL 45**SECTION 3022**

1 560.87 **(6)** From the appropriation under s. 20.143 (1) ~~(dh)~~ (kh), make an
2 annual grant to the Great Lakes inter-tribal council in an amount equal to the
3 amount appropriated under s. 20.143 (1) ~~(dh)~~ (kh), to partially fund in the Great
4 Lakes inter-tribal council a liaison between American Indians, Indian businesses
5 and Indian tribes interested in targeted programs and the state agencies that
6 administer targeted programs.

7 **SECTION 3023.** 560.875 (1) of the statutes is amended to read:

8 560.875 **(1)** Annually, the department shall grant to the Great Lakes
9 inter-tribal council the amount appropriated under s. 20.143 (1) ~~(df)~~ (kf) to partially
10 fund a program to provide technical assistance for economic development on Indian
11 reservations if the conditions under subs. (2) and (3) are satisfied.

12 **SECTION 3024.** 565.02 (4) (g) of the statutes is created to read:

13 565.02 **(4)** (g) Establishing a program to provide for additional compensation,
14 above the compensation provided under s. 565.10 (14) (b) 1. or 2., to be paid to
15 retailers who meet certain performance goals identified by the department. Under
16 this program, the total compensation provided to retailers may not exceed 1.0% of
17 the gross revenues from the sale of lottery tickets and lottery shares.

18 **SECTION 3025.** 565.10 (14) (b) 3m. of the statutes is created to read:

19 565.10 **(14)** (b) 3m. The department may, in rules promulgated under s. 565.02
20 (4) (g), provide for additional compensation, above the compensation provided under
21 subd. 1. or 2., to be paid to retailers who meet certain performance goals identified
22 by the department.

23 **SECTION 3026.** 569.01 (1m) (d) of the statutes is created to read:

SENATE BILL 45**SECTION 3026**

1 569.01 (1m) (d) Moneys received by the state from Indian tribes pursuant to
2 an Indian gaming compact, except moneys received as direct reimbursements to the
3 department of justice.

4 **SECTION 3027.** 569.06 of the statutes is amended to read:

5 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
6 the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm) as
7 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

8 **SECTION 3028.** 600.01 (1) (b) 10. of the statutes is created to read:

9 600.01 (1) (b) 10. a. Except as provided in subd. 10. b., long-term care services
10 funded by the family care benefit, as defined in s. 46.2805 (4), that are provided by
11 a care management organization that contracts with the department of health and
12 family services under s. 46.284 and enrolls only individuals who are eligible under
13 s. 46.286.

14 b. The exemption under subd. 10. a. does not apply if the services offered by the
15 care management organization include hospital, physician or other acute health care
16 services.

17 **SECTION 3029.** 601.31 (1) (k) 6. of the statutes is created to read:

18 601.31 (1) (k) 6. Domestic mutual insurance holding companies, \$100.

19 **SECTION 3030.** 601.31 (1) (L) 1. of the statutes is repealed.

20 **SECTION 3031.** 601.31 (1) (m) (intro.) of the statutes is renumbered 601.31 (1)
21 (m) and amended to read:

22 601.31 (1) (m) For regulating resident intermediaries and nonresident
23 intermediaries, annually after the year in which the initial license is issued, amounts
24 to be set by the commissioner by rule and paid at times and under procedures set by
25 the commissioner, ~~but not to exceed:~~

SENATE BILL 45**SECTION 3032**

1 **SECTION 3032.** 601.31 (1) (m) 1. of the statutes is repealed.

2 **SECTION 3033.** 601.31 (1) (m) 2. of the statutes is repealed.

3 **SECTION 3034.** 601.31 (1) (m) 3. of the statutes is renumbered 601.31 (1) (mc)
4 and amended to read:

5 601.31 (1) (mc) ~~Holder~~ For regulating a holder of a license to place business
6 under s. 618.41, annually after the year in which the initial license is issued, an
7 amount to be set by the commissioner by rule and paid at times and under procedures
8 set by the commissioner, but not to exceed \$100.

9 **SECTION 3035.** 601.31 (1) (o) of the statutes is amended to read:

10 601.31 (1) (o) For examination of an applicant for a license as an insurance
11 intermediary, an amount to be set by the commissioner by rule ~~but not to exceed \$50~~
12 ~~and not to exceed the reasonably estimated average cost of the examination and~~
13 ~~investigation of an intermediary.~~

14 **SECTION 3036.** 609.23 of the statutes is created to read:

15 **609.23 Point-of-service coverage option.** (1) In this section,
16 “point-of-service coverage option” means a health care plan coverage option under
17 which all of the following apply:

18 (a) An insured may obtain health care services from a provider of his or her
19 choice.

20 (b) A provider selected under par. (a) is not necessarily a participating provider
21 of the health care plan or a member of the health care plan’s network of providers.

22 (c) The health care plan reimburses a provider selected under par. (a) for the
23 cost of services provided to the insured if the provider is appropriately licensed and
24 the services provided are covered under the health care plan.

SENATE BILL 45**SECTION 3036**

1 (2) Notwithstanding ss. 609.05 (2) and 628.36 (2) (b) 1. and 3., a managed care
2 plan shall offer to its enrollees at least one point-of-service coverage option in each
3 geographic service area of the managed care plan.

4 **SECTION 3037.** 610.70 (1) (e) of the statutes, as created by 1997 Wisconsin Act
5 231, is amended to read:

6 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01
7 (4), or any hospital, nursing home, community-based residential facility, county
8 home, county infirmary, county hospital, county mental health center, tuberculosis
9 sanatorium, adult family home, assisted living facility, rural medical center, hospice
10 or other place licensed, certified or approved by the department of health and family
11 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,
12 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.
13 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county
14 department under s. 50.032 or 50.033.

15 **SECTION 3038.** 631.20 (1) of the statutes is renumbered 631.20 (1) (a) and
16 amended to read:

17 631.20 (1) (a) No form subject to s. 631.01 (1), except as exempted under s.
18 631.01 (2) to (5) or by rule under par. (b), may be used unless it has been filed with
19 and approved by the commissioner and unless the insurer certifies that the form
20 complies with chs. 600 to 655 and rules promulgated under chs. 600 to 655. It is
21 deemed approved if it is not disapproved within 30 days after filing, or within a
22 30-day extension of that period ordered by the commissioner prior to the expiration
23 of the first 30 days.

24 **SECTION 3039.** 631.20 (1) (b) of the statutes is created to read:

SENATE BILL 45**SECTION 3039**

1 631.20 (1) (b) Subject to s. 655.24 (1), the commissioner may by rule exempt
2 certain classes of policy forms from prior filing and approval.

3 **SECTION 3040.** 631.20 (3) of the statutes is amended to read:

4 631.20 (3) SUBSEQUENT DISAPPROVAL. Whenever the commissioner finds, after
5 a hearing, that a form approved or deemed to be approved under sub. (1) (a) would
6 be disapproved under sub. (2) if newly filed, the commissioner may order that on or
7 before a date not less than 30 nor more than 90 days after the order the use of the
8 form shall be discontinued or appropriate changes shall be made.

9 **SECTION 3041.** 631.20 (6) (a) of the statutes is amended to read:

10 631.20 (6) (a) The penalties under s. 601.64 (3) to (5) may not be imposed
11 against an insurer for using a form that does not comply with a statute or rule if the
12 statute or rule was in effect on the date the form was approved or deemed to be
13 approved under sub. (1) (a).

14 **SECTION 3042.** 631.20 (6) (b) of the statutes is amended to read:

15 631.20 (6) (b) Use of a form that does not comply with a statute or rule which
16 takes effect after the date the form was approved or deemed to be approved under
17 sub. (1) (a) is a violation of the statute or rule, and the penalties under s. 601.64 may
18 be imposed against the insurer using the form.

19 **SECTION 3043.** 631.36 (1) (a) of the statutes is amended to read:

20 631.36 (1) (a) *General.* Except as otherwise provided in this section or in other
21 statutes or by rule under par. (c), this section applies to all contracts of insurance
22 based on forms which are subject to filing and approval under s. 631.20 (1) (a).

23 **SECTION 3044.** 632.745 (6) (a) 2m. of the statutes is created to read:

24 632.745 (6) (a) 2m. A family care district under s. 46.2895.

25 **SECTION 3045.** 655.24 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 3045**

1 655.24 (1) No insurer may enter into or issue any policy of health care liability
2 insurance until its policy form has been submitted to and approved by the
3 commissioner under s. 631.20 (1) (a). The filing of a policy form by any insurer with
4 the commissioner for approval shall constitute, on the part of the insurer, a
5 conclusive and unqualified acceptance of all provisions of this chapter, and an
6 agreement by it to be bound hereby as to any policy issued by it to any health care
7 provider.

8 **SECTION 3046.** 655.275 (10) of the statutes is amended to read:

9 655.275 (10) MEMBERS' AND CONSULTANTS' EXPENSES. ~~Any~~ Notwithstanding s.
10 15.09 (6), any person serving on the council and any person consulting with the
11 council under sub. (5) (b) shall be paid \$50 for each day's actual attendance at council
12 meetings, plus actual and necessary travel expenses at a rate established by the
13 commissioner by rule.

14 **SECTION 3047.** 700.24 of the statutes is amended to read:

15 **700.24 Death of a joint tenant; effect of liens.** A real estate mortgage, a
16 security interest under ch. 409, or a lien under s. 72.86 (2), 1985 stats., or s. 71.91 (5)
17 (b), ch. 49 or 779 or rules promulgated under s. 46.286 (7) on or against the interest
18 of a joint tenant does not defeat the right of survivorship in the event of the death
19 of such joint tenant, but the surviving joint tenant or tenants take the interest such
20 deceased joint tenant could have transferred prior to death subject to such mortgage,
21 security interest or statutory lien.

22 **SECTION 3048.** 701.065 (1) (b) 1. of the statutes is amended to read:

23 701.065 (1) (b) 1. The claim is a claim based on tort, on a marital property
24 agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on
25 Wisconsin income, franchise, sales, withholding, gift or death taxes, or on

SENATE BILL 45**SECTION 3048**

1 unemployment compensation contributions due or benefits overpaid; a claim for
2 funeral or administrative expenses; a claim of this state under s. 46.27 (7g), 49.496
3 or 49.682 or rules promulgated under s. 46.286 (7); or a claim of the United States.

4 **SECTION 3049.** 705.04 (2g) of the statutes is amended to read:

5 705.04 (2g) Notwithstanding subs. (1) and (2), the department of health and
6 family services may collect, from funds of a decedent that are held by the decedent
7 immediately before death in a joint account or a P.O.D. account, an amount equal to
8 the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal
9 to aid under 49.68, 49.683 or 49.685 that is recoverable under s. 49.682 (2) (a) ~~or~~, an
10 amount equal to long-term community support services under s. 46.27 that is
11 recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or
12 the decedent's spouse or an amount equal to the family care benefit under s. 46.286
13 that is recoverable under rules promulgated under s. 46.286 (7) and that was paid
14 on behalf of the decedent or the decedent's spouse.

15 **SECTION 3050.** 709.01 (1) of the statutes is amended to read:

16 709.01 (1) Except as provided in sub. (2), all persons who transfer real property
17 located in this state, including a condominium unit, as defined in s. 703.02 (15), ~~and~~
18 ~~time-share property, as defined in s. 707.02 (32)~~, but excluding property that has not
19 been inhabited, that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale,
20 exchange or land contract, unless the transfer is exempt from the real estate transfer
21 fee under s. 77.25, shall comply with ss. 709.02 to 709.04 and 709.06.

22 **SECTION 3051.** 767.075 (1) (c) of the statutes is amended to read:

23 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19 or 49.45
24 is provided on behalf of a dependent child or benefits are provided to the child's
25 custodial parent under s. 49.124 or under ss. 49.141 to 49.161.

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1 **SECTION 3052.** 767.078 (1) (b) (intro.) of the statutes is amended to read:

2 767.078 (1) (b) (intro.) Except as provided in par. (c) ~~or (d)~~, in a case involving
3 a dependent child, if the child's parent who is absent from the home is not employed,
4 the court shall order that parent to do one or more of the following:

5 **SECTION 3053.** 767.078 (1) (c) of the statutes is amended to read:

6 767.078 (1) (c) An order is not required under par. (b) ~~or (d)~~ if the court makes
7 written findings that there is good cause for not issuing the order.

8 **SECTION 3054.** 767.078 (1) (d) of the statutes is repealed.

9 **SECTION 3055.** 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act
10 191, section 411, is amended to read:

11 767.265 (1) Each order for child support under this chapter, for maintenance
12 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
13 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02
14 (1) (f) ~~or~~, for maintenance payments under s. 767.02 (1) (g) or for the annual receiving
15 and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or
16 order with respect to child support, maintenance or family support payments under
17 s. 767.32, each stipulation approved by the court or the family court commissioner
18 for child support under this chapter and each order for child or spousal support
19 entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings,
20 salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that
21 are payable in instalments and other money due or to be due in the future to the
22 department or its designee. The assignment shall be for an amount sufficient to
23 ensure payment under the order or stipulation and to pay any arrearages due at a
24 periodic rate not to exceed 50% of the amount of support due under the order or

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1 stipulation so long as the addition of the amount toward arrearages does not leave
2 the party at an income below the poverty line established under 42 USC 9902 (2).

3 **SECTION 3056.** 767.265 (1m) of the statutes is created to read:

4 767.265 (1m) If a party's current obligation to pay maintenance, child support,
5 spousal support or family support terminates but the party has an arrearage in the
6 payment of one or more of those payments, the assignment shall continue in effect,
7 in an amount up to the amount of the assignment before the party's current
8 obligation terminated, until the arrearage is paid in full.

9 **SECTION 3057.** 767.265 (1m) of the statutes, as created by 1999 Wisconsin Act
10 (this act), is amended to read:

11 767.265 (1m) If a party's current obligation to pay maintenance, child support,
12 spousal support ~~or~~, family support or the annual receiving and disbursing fee
13 terminates but the party has an arrearage in the payment of one or more of those
14 payments, the assignment shall continue in effect, in an amount up to the amount
15 of the assignment before the party's current obligation terminated, until the
16 arrearage is paid in full.

17 **SECTION 3058.** 767.265 (2h) of the statutes is amended to read:

18 767.265 (2h) If a court-ordered assignment, including the assignment
19 specified under sub. (1) for the payment of any arrearages due, does not require
20 immediately effective withholding and a payer fails to make a required maintenance,
21 child support, spousal support or family support payment within 10 days after its due
22 date, within 20 days after the payment's due date the court ~~or~~, family court
23 commissioner or county child support agency under s. 59.53 (5) shall cause the
24 assignment to go into effect by providing notice of the assignment in the manner
25 provided under sub. (2r) and shall send a notice by regular mail to the last-known

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1 address of the payer. The notice sent to the payer shall inform the payer that an
2 assignment is in effect and that the payer may, within a 10-day period, by motion
3 request a hearing on the issue of whether the assignment should remain in effect.
4 The court or family court commissioner shall hold a hearing requested under this
5 subsection within 10 working days after the date of the request. If at the hearing the
6 payer establishes that the assignment is not proper because of a mistake of fact, the
7 court or family court commissioner may direct that the assignment be withdrawn.
8 Either party may, within 15 working days after the date of a decision by a family court
9 commissioner under this subsection, seek review of the decision by the court with
10 jurisdiction over the action.

11 **SECTION 3059.** 767.265 (2h) of the statutes, as affected by 1999 Wisconsin Act
12 (this act), is amended to read:

13 767.265 (2h) If a court-ordered assignment, including the assignment
14 specified under sub. (1) for the payment of any arrearages due, does not require
15 immediately effective withholding and a payer fails to make a required maintenance,
16 child support, spousal support ~~or~~, family support or annual receiving and disbursing
17 fee payment within 10 days after its due date, within 20 days after the payment's due
18 date the court, family court commissioner or county child support agency under s.
19 59.53 (5) shall cause the assignment to go into effect by providing notice of the
20 assignment in the manner provided under sub. (2r) and shall send a notice by regular
21 mail to the last-known address of the payer. The notice sent to the payer shall inform
22 the payer that an assignment is in effect and that the payer may, within a 10-day
23 period, by motion request a hearing on the issue of whether the assignment should
24 remain in effect. The court or family court commissioner shall hold a hearing
25 requested under this subsection within 10 working days after the date of the request.

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1 If at the hearing the payer establishes that the assignment is not proper because of
2 a mistake of fact, the court or family court commissioner may direct that the
3 assignment be withdrawn. Either party may, within 15 working days after the date
4 of a decision by a family court commissioner under this subsection, seek review of the
5 decision by the court with jurisdiction over the action.

6 **SECTION 3060.** 767.265 (2m) of the statutes is created to read:

7 767.265 (2m) An obligation to pay unpaid fees under s. 767.29 (1) (dm)
8 constitutes an assignment of all commissions, earnings, salaries, wages, pension
9 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
10 and other money due or to be due in the future to the department or its designee. The
11 county child support agency under s. 59.53 (5) may cause the assignment to go into
12 effect by providing notice of the assignment in the manner provided under sub. (2r)
13 and sending a notice by regular mail to the last-known address of the payer. The
14 notice sent to the payer shall inform the payer that an assignment is in effect and
15 that the payer may, within a 10-day period, by motion request a hearing on the issue
16 of whether the assignment should remain in effect. The court or family court
17 commissioner shall hold a hearing requested under this subsection within 10
18 working days after the date of the request. If at the hearing the payer establishes
19 that the assignment is not proper because of a mistake of fact, the court or family
20 court commissioner may direct that the assignment be withdrawn. The payer or the
21 county child support agency may, within 15 working days after the date of a decision
22 by a family court commissioner under this subsection, seek review of the decision by
23 the court with jurisdiction over the action.

24 **SECTION 3061.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act
25 191, section 414, is amended to read:

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1 767.265 (2r) Upon entry of each order for child support, maintenance, family
2 support ~~or~~, support by a spouse or the annual receiving and disbursing fee, and upon
3 approval of each stipulation for child support, unless the court finds that income
4 withholding is likely to cause the payer irreparable harm or unless s. 767.267
5 applies, the court, family court commissioner or county child support agency under
6 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
7 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known
8 address of the person from whom the payer receives or will receive money. The notice
9 shall provide that the amount withheld may not exceed the maximum amount that
10 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its
11 designee, whichever is appropriate, does not receive the money from the person
12 notified, the court, family court commissioner or county child support agency under
13 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
14 payer receives or will receive money. Notice under this subsection may be a notice
15 of the court, a copy of the executed assignment or a copy of that part of the court order
16 directing payment.

17 **SECTION 3062.** 767.29 (1) (d) (intro.) and 1. of the statutes, as created by 1997
18 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and amended to read:

19 767.29 (1) (d) For receiving and disbursing maintenance, child support or
20 family support payments, and for maintaining the records required under par. (c),
21 the department or its designee shall collect an annual fee of \$25 ~~to be paid by each~~
22 ~~party ordered to make payments~~. The court or family court commissioner shall order
23 each party ordered to make payments to pay the annual fee under this paragraph at
24 the time of, and in addition to, the first payment to the department or its designee
25 in each year for which payments are ordered. In directing the manner of payment

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1 of the annual fee, the court or family court commissioner shall order that the annual
2 fee be withheld from income and sent to the department or its designee, as provided
3 under s. 767.265. All fees collected under this paragraph shall be deposited in the
4 appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment
5 of an annual fee under this paragraph, the court or family court commissioner shall
6 notify each party ordered to make payments of the requirement to pay the annual
7 fee and of the amount of the annual fee. If the annual fee under this ~~section~~
8 paragraph is not paid when due, the department or its designee may not deduct the
9 annual fee from the maintenance or child or family support payment, but may ~~do any~~
10 ~~of the following:~~ 1. Move move the court for a remedial sanction under ch. 785.

11 **SECTION 3063.** 767.29 (1) (d) 2. of the statutes, as created by 1997 Wisconsin
12 Act 27, is repealed.

13 **SECTION 3064.** 767.29 (1) (dm) of the statutes is created to read:

14 767.29 (1) (dm) The department or its designee may collect any unpaid fees
15 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
16 payment and collection system on December 31, 1998, and shall deposit all fees
17 collected under this paragraph in the appropriation account under s. 20.445 (3) (ja).
18 The department or its designee may collect unpaid fees under this paragraph
19 through income withholding under s. 767.265 (2m). If the department or its designee
20 determines that income withholding is inapplicable, ineffective or insufficient for the
21 collection of any unpaid fees under this paragraph, the department or its designee
22 may move the court for a remedial sanction under ch. 785. The department or its
23 designee may contract with or employ a collection agency or other person for the
24 collection of any unpaid fees under this paragraph and, notwithstanding s. 20.930,
25 may contract with or employ an attorney to appear in any action in state or federal

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1 court to enforce the payment obligation. The department or its designee may not
2 deduct the amount of unpaid fees from any maintenance or child or family support
3 payment.

4 **SECTION 3065.** 775.01 of the statutes is amended to read:

5 **775.01 Actions against state; bond.** Upon Except as provided in s. 893.83,
6 upon the refusal of the legislature to allow a claim against the state, the claimant
7 may commence an action against the state by service as provided in s. 801.11 (3) and
8 by filing with the clerk of court a bond, not exceeding \$1,000, with 2 or more sureties,
9 to be approved by the attorney general, to the effect that the claimant will indemnify
10 the state against all costs that may accrue in such action and pay to the clerk of court
11 all costs, in case the claimant fails to obtain judgment against the state.

12 **SECTION 3066.** 778.02 of the statutes is amended to read:

13 **778.02 Action in name of state; complaint; attachment.** Every such
14 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
15 allege in the complaint that the defendant is indebted to the plaintiff in the amount
16 of the forfeiture claimed, according to the provisions of the statute that imposes it,
17 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
18 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
19 enforcement assessment imposed by s. 165.755, the enforcement assessment
20 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
21 assessment imposed by s. 100.261 and any applicable domestic abuse assessment
22 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or
23 delinquencies the complaint shall specify the particular offense or delinquency for
24 which the action is brought, with a demand for judgment for the amount of the
25 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law

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1 enforcement assessment, any applicable enforcement assessment, any applicable
2 consumer information assessment and any applicable domestic abuse assessment.

3 If the defendant is a nonresident of the state, an attachment may issue.

4 **SECTION 3067.** 778.03 of the statutes is amended to read:

5 **778.03 Complaint to recover forfeited goods.** In an action to recover
6 property forfeited by any statute it shall be sufficient to allege in the complaint that
7 the property has been forfeited, specifying the statute, with a demand of judgment
8 for the delivery of the property, or the value thereof and for payment of the penalty
9 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
10 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
11 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
12 consumer information assessment imposed by s. 100.261 and any applicable
13 domestic abuse assessment imposed by s. 973.055 (1).

14 **SECTION 3068.** 778.06 of the statutes is amended to read:

15 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
16 specific sum or when it is not less than one sum or more than another, the action may
17 be brought for the highest sum specified and for the penalty assessment imposed by
18 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
19 and drug law enforcement assessment imposed by s. 165.755, the enforcement
20 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer
21 information assessment imposed by s. 100.261 and any applicable domestic abuse
22 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
23 as the court or jury shall assess or determine to be proportionate to the offense.

24 **SECTION 3069.** 778.10 of the statutes is amended to read:

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1 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
2 any ordinance or regulation of any county, town, city or village, or of any other
3 domestic corporation may be sued for and recovered, under this chapter, in the name
4 of the county, town, city, village or corporation. It is sufficient to allege in the
5 complaint that the defendant is indebted to the plaintiff in the amount of the
6 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
7 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
8 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
9 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
10 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
11 ordinance or regulation imposes a penalty or forfeiture for several offenses or
12 delinquencies the complaint shall specify the particular offenses or delinquency for
13 which the action is brought, with a demand for judgment for the amount of the
14 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
15 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
16 assessment imposed by s. 165.755, any applicable consumer information assessment
17 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
18 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of
19 the county, town, city, village or corporation, except that all jail assessments shall be
20 paid to the county treasurer.

21 **SECTION 3070.** 778.105 of the statutes is amended to read:

22 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
23 any court or any branch thereof for the violation of any municipal or county
24 ordinance shall be paid to the municipality or county. Penalty assessment payments
25 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be

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1 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
2 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
3 assessments shall be made as provided in s. 973.055. Consumer information
4 assessment payments shall be made as provided in s. 100.261.

5 **SECTION 3071.** 778.13 of the statutes is amended to read:

6 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
7 of the state for forfeiture, except the portion to be paid to any person who sues with
8 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
9 county within which the forfeiture was incurred within 20 days after its receipt. In
10 case of any failure in the payment the county treasurer may collect the payment of
11 the officer by action, in the name of the office and upon the official bond of the officer,
12 with interest at the rate of 12% per year from the time when it should have been paid.
13 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
14 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
15 and drug law enforcement assessment payments shall be paid as provided in s.
16 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
17 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
18 information assessment payments shall be made as provided in s. 100.261.

19 **SECTION 3072.** 778.18 of the statutes is amended to read:

20 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
21 own will, dismisses any action brought before the judge under this chapter, unless
22 by order of the district attorney or attorney general or the person joined as plaintiff
23 with the state, or renders a less judgment therein than is prescribed by law, or
24 releases or discharges any such judgment or part thereof without payment or
25 collection, the judge and the judge's sureties shall be liable, in an action upon the

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1 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
2 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
3 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
4 enforcement assessment imposed by s. 165.755, any applicable consumer
5 information assessment imposed by s. 100.261 and any applicable domestic abuse
6 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which
7 any such judgment or any part thereof is released or discharged. If any municipal
8 judge gives time or delay to any person against whom any such judgment is rendered
9 by the judge, or takes any bond or security for its future payment, the judge and the
10 judge's sureties shall also be liable for the payment of the judgment upon the judge's
11 bond.

12 **SECTION 3073.** 799.01 (1) (am) of the statutes is amended to read:

13 799.01 (1) (am) *Return of earnest money.* Actions for the return of earnest
14 money tendered pursuant to a contract for purchase of real property, including a
15 condominium unit, as defined in s. 703.02 (15), and ~~time-share property, as defined~~
16 ~~in s. 707.02 (32)~~, that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale,
17 exchange or land contract unless the transfer is exempt from the real estate transfer
18 fee under s. 77.25 regardless of the amount claimed.

19 **SECTION 3074.** 800.02 (2) (a) 8. of the statutes is amended to read:

20 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear
21 in court at the time fixed in the citation, the defendant is deemed to have tendered
22 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment
23 and crime laboratories and drug law enforcement assessment, any applicable
24 consumer information assessment and any applicable domestic abuse assessment
25 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of

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1 the deposit. The notice shall also state that the court may decide to summon the
2 defendant rather than accept the deposit and plea.

3 **SECTION 3075.** 800.02 (3) (a) 5. of the statutes is amended to read:

4 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
5 event or occurrence from which the violation arose and showing that the plaintiff is
6 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
7 is based and a demand for a forfeiture, the amount of which shall not exceed the
8 maximum set by the statute involved, the penalty assessment, the jail assessment,
9 the crime laboratories and drug law enforcement assessment, any applicable
10 consumer information assessment, any applicable domestic abuse assessment and
11 such other relief that is sought by the plaintiff.

12 **SECTION 3076.** 800.03 (3) of the statutes is amended to read:

13 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
14 shall not be effective until approved by the governing body of the municipality. The
15 amount shall not exceed the maximum penalty for the offense, including any penalty
16 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
17 would be applicable under s. 302.46 (1), any crime laboratories and drug law
18 enforcement assessment that would be applicable under s. 165.755, any consumer
19 information assessment that would be applicable under s. 100.261 and any domestic
20 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
21 including the fee prescribed in s. 814.65 (1).

22 **SECTION 3077.** 800.04 (2) (b) of the statutes is amended to read:

23 800.04 (2) (b) If the municipal judge determines that the defendant should not
24 be released under par. (a) and the defendant is charged with a traffic or boating
25 violation, the municipal judge shall release the defendant on a deposit in the amount

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1 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
2 For other violations, the municipal judge shall establish a deposit in an amount not
3 to exceed the maximum penalty for the offense, including any penalty assessment
4 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be
5 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
6 assessment that would be applicable under s. 165.755, any consumer information
7 assessment that would be applicable under s. 100.261 and any domestic abuse
8 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class
9 city determines that a defendant appearing before the judge through interactive
10 video and audio transmission should not be released under par. (a), the judge shall
11 inform the defendant that he or she has the right to appear personally before a judge
12 for a determination, not prejudiced by the first appearance, as to whether he or she
13 should be released without a deposit. On failure of the defendant to make a deposit
14 under this paragraph, he or she may be committed to jail pending trial only if the
15 judge finds that there is a reasonable basis to believe the person will not appear in
16 court.

17 **SECTION 3078.** 800.04 (2) (c) of the statutes is amended to read:

18 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
19 and does not appear, he or she is deemed to have tendered a plea of no contest and
20 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
21 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
22 assessment imposed by s. 165.755, any applicable consumer information assessment
23 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
24 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
25 amount of the deposit. The court may either accept the plea of no contest and enter

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1 judgment accordingly, or reject the plea and issue a summons. If the court finds that
2 the violation meets the conditions in s. 800.093 (1), the court may summon the
3 alleged violator into court to determine if restitution shall be ordered under s.
4 800.093. If the defendant fails to appear in response to the summons, the court shall
5 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
6 the court shall allow the defendant to withdraw the plea of no contest.

7 **SECTION 3079.** 800.09 (1) (intro.) of the statutes is amended to read:

8 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
9 may render judgment by ordering restitution under s. 800.093 and payment of a
10 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
11 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
12 assessment imposed by s. 165.755, any applicable consumer information assessment
13 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
14 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The
15 court shall apply any payment received on a judgment that includes restitution to
16 first satisfy any payment of restitution ordered, then to pay the forfeiture,
17 assessments and costs. If the judgment is not paid, the court may proceed under par.
18 (a), (b) or (c) or any combination of those paragraphs, as follows:

19 **SECTION 3080.** 800.09 (1) (a) of the statutes is amended to read:

20 800.09 (1) (a) The court may defer payment of any judgment or provide for
21 instalment payments. At the time the judgment is rendered, the court shall inform
22 the defendant, orally and in writing, of the date by which restitution and the
23 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
24 laboratories and drug law enforcement assessment, any applicable consumer
25 information assessment and any applicable domestic abuse assessment plus costs

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1 must be made, and of the possible consequences of failure to do so in timely fashion,
2 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
3 motor vehicle operating privilege, as provided in par. (c), if applicable. If the
4 defendant is not present, the court shall ensure that the information is sent to the
5 defendant by mail. In 1st class cities, all of the written information required by this
6 paragraph shall be printed in English and Spanish and provided to each defendant.

7 **SECTION 3081.** 800.09 (1) (c) of the statutes is amended to read:

8 800.09 (1) (c) The Subject to the fee under s. 85.135, if applicable, the court may
9 suspend the defendant's operating privilege, as defined in s. 340.01 (40), until
10 restitution is made and the forfeiture, assessments and costs are paid, if the
11 defendant has not done so within 60 days after the date the restitution or payments
12 or both are to be made under par. (a) and has not notified the court that he or she is
13 unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that
14 the suspension period may not exceed 5 years. The court shall take possession of the
15 suspended license and shall forward the license, along with a notice of the suspension
16 clearly stating that the suspension is for failure to comply with a judgment of the
17 court, to the department of transportation.

18 **SECTION 3082.** 800.09 (2) (b) of the statutes is amended to read:

19 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
20 at the time fixed for hearing of the case, the defendant may be deemed to have
21 entered a plea of no contest and the money deposited, if any, or such portion thereof
22 as the court determines to be an adequate penalty, plus the penalty assessment, the
23 jail assessment, the crime laboratories and drug law enforcement assessment, any
24 applicable consumer information assessment and any applicable domestic abuse
25 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared

SENATE BILL 45**SECTION 3082**

1 forfeited by the court or may be ordered applied upon the payment of any penalty
2 which may be imposed, together with the penalty assessment, the jail assessment,
3 the crime laboratories and drug law enforcement assessment, any applicable
4 consumer information assessment and any applicable domestic abuse assessment
5 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),
6 the court may summon the alleged violator into court to determine if restitution shall
7 be ordered under s. 800.093. Any money remaining after payment of any penalties,
8 assessments, costs and restitution shall be refunded to the person who made the
9 deposit.

10 **SECTION 3083.** 800.095 (4) (b) 4. of the statutes is amended to read:

11 800.095 (4) (b) 4. That Subject to the fee under s. 85.135, if applicable, that the
12 defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the
13 judgment is complied with, except that the suspension period may not exceed 5 years.

14 **SECTION 3084.** 800.10 (2) of the statutes is amended to read:

15 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and
16 drug law enforcement assessments, consumer information assessments, domestic
17 abuse assessments and costs paid to a municipal court under a judgment before a
18 municipal judge shall be paid to the municipal treasurer within 7 days after receipt
19 of the money by a municipal judge or other court personnel. At the time of the
20 payment, the municipal judge shall report to the municipal treasurer the title of the
21 action, the offense for which a forfeiture was imposed and the total amount of the
22 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement
23 assessments, consumer information assessments, domestic abuse assessments and
24 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All
25 jail assessments paid to a municipal court under a judgment before a municipal judge

SENATE BILL 45**SECTION 3084**

1 shall be paid to the county treasurer within 7 days after receipt of the money by a
2 municipal judge or other court personnel.

3 **SECTION 3085.** 800.12 (2) of the statutes is amended to read:

4 800.12 (2) A municipality may by ordinance provide that a municipal judge
5 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
6 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
7 jail assessment under s. 302.46 ~~and~~, crime laboratories and drug law enforcement
8 assessment under s. 165.755, any applicable consumer information assessment
9 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),
10 a jail sentence not to exceed 7 days.

11 **SECTION 3086.** 803.03 (2) (b) of the statutes is amended to read:

12 803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may
13 1. participate in the prosecution of the action, 2. agree to have his or her interest
14 represented by the party who caused the joinder, or 3. move for dismissal with or
15 without prejudice. If the party joined chooses to participate in the prosecution of the
16 action, the party joined shall have an equal voice with other claimants in such
17 prosecution. If Except as provided in par. (bm), if the party joined chooses to have
18 his or her interest represented by the party who caused the joinder, the party joined
19 shall sign a written waiver of the right to participate which shall express consent to
20 be bound by the judgment in the action. Such waiver shall become binding when filed
21 with the court, but a party may withdraw the waiver upon timely motion to the judge
22 to whom the case has been assigned with notice to the other parties. A party who
23 represents the interest of another party and who obtains a judgment favorable to
24 such other party may be awarded reasonable attorneys fees by the court. If the party
25 joined moves for dismissal without prejudice as to his or her claim, the party shall

SENATE BILL 45**SECTION 3086**

1 demonstrate to the court that it would be unjust to require the party to prosecute the
2 claim with the principal claim. In determining whether to grant the motion to
3 dismiss, the court shall weigh the possible prejudice to the movant against the state's
4 interest in economy of judicial effort.

5 **SECTION 3087.** 803.03 (2) (bm) of the statutes is created to read:

6 803.03 (2) (bm) *Joinders because of implication of medical assistance.* If the
7 department of health and family services is joined as a party pursuant to par. (a) and
8 s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the
9 department of health and family services need not sign a waiver of the right to
10 participate in order to have its interests represented by the party that caused the
11 joinder. If the department of health and family services makes no selection under
12 par. (b), the party causing the joinder shall represent the interests of the department
13 of health and family services and the department of health and family services shall
14 be bound by the judgment in the action. Regardless of whether the department of
15 health and family services joins in prosecuting the claim, the portion of the proceeds
16 of the claim that represents benefits paid under subch. IV of ch. 49 as a result of the
17 occurrence of injury, sickness or death for which the claim arose shall be paid to the
18 department of health and family services pursuant to s. 49.89 (5).

19 **SECTION 3088.** 813.16 (7) of the statutes is amended to read:

20 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
21 is a corporation supervised by the division of savings and loan institutions, home
22 loan bank board, U.S. office of thrift supervision, federal deposit insurance
23 corporation or resolution trust corporation, the court, unless the opposing party
24 objects, shall appoint an officer of such corporation as receiver to act without
25 compensation and to give such bond as the court requires.

SENATE BILL 45**SECTION 3089**

1 **SECTION 3089.** 814.03 (3) of the statutes is amended to read:

2 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
3 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and
4 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, ~~and where~~
5 ~~the interests of the department of health and family services or of the county are~~
6 ~~represented under s. 803.03 (2) (b) by the party who caused the joinder, the~~
7 department of health and family services or the county shall not be liable for costs
8 to any prevailing defendant.

9 **SECTION 3090.** 814.04 (1) (a) of the statutes is amended to read:

10 814.04 (1) (a) When the amount recovered or the value of the property involved
11 is ~~\$1,000 or over~~ equal to or greater than the maximum amount specified in s. 799.01
12 (1) (d), attorney fees shall be \$100 may not exceed \$500; when it is less than \$1,000
13 ~~and is \$500 or over, \$50~~ the maximum amount specified in s. 799.01 (1) (d), but is
14 \$1,000 or more, attorney fees may not exceed \$300; when it is less than \$500 ~~and is~~
15 ~~\$200 or over, \$25;~~ and when it is less than \$200, ~~\$15~~ \$1,000, attorney fees may not
16 exceed \$100. In all other cases in which there is no amount recovered or that do not
17 involve property, attorney fees may not exceed \$500.

18 **SECTION 3091.** 814.04 (1) (b) of the statutes is repealed.

19 **SECTION 3092.** 814.04 (2) of the statutes is amended to read:

20 814.04 (2) DISBURSEMENTS. All the necessary disbursements and fees allowed
21 by law; the compensation of referees; a reasonable disbursement for the service of
22 process or other papers in an action when the same are served by a person authorized
23 by law other than an officer, but the item may not exceed the authorized sheriff's fee
24 for the same service; amounts actually paid out for certified and other copies of
25 papers and records in any public office; postage, telegraphing photocopying,

SENATE BILL 45**SECTION 3092**

1 telephoning, electronic communications, facsimile transmissions and express or
2 overnight delivery; depositions including copies; plats and photographs, not
3 exceeding ~~\$50~~ \$100 for each item; an expert witness fee not exceeding ~~\$100~~ \$300 for
4 each expert who testifies, exclusive of the standard witness fee and mileage which
5 shall also be taxed for each expert; and in actions relating to or affecting the title to
6 lands, the cost of procuring an abstract of title to the lands. Guardian ad litem fees
7 shall not be taxed as a cost or disbursement.

8 **SECTION 3093.** 814.07 of the statutes is amended to read:

9 **814.07 Costs on motion.** Costs may be allowed on a motion, in the discretion
10 of the court or judge, not exceeding ~~\$50~~ \$300, and may be absolute or directed to abide
11 the event of the action.

12 **SECTION 3094.** 814.60 (2) (a) of the statutes is amended to read:

13 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

14 **SECTION 3095.** 814.60 (2) (ai) of the statutes is created to read:

15 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

16 **SECTION 3096.** 814.613 of the statutes is created to read:

17 **814.613 Fees for driver's license suspensions or revocations.** A court
18 may require a person to pay a fee upon ordering the suspension or revocation of that
19 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,
20 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or
21 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that
22 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may
23 not exceed the amount that the court is required to pay under s. 85.135.

24 **SECTION 3097.** 814.63 (3) (a) of the statutes is amended to read:

25 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

SENATE BILL 45**SECTION 3098**

1 **SECTION 3098.** 814.63 (3) (ai) of the statutes is created to read:

2 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

3 **SECTION 3099.** 814.635 (1) of the statutes is amended to read:

4 814.635 (1) Except for an action for a safety belt use violation under s. 347.48
5 (2m), the clerk of circuit court shall charge and collect a \$7 \$9 justice information
6 system fee from any person, including any governmental unit as defined in s. 108.02
7 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)
8 or 814.63 (1). The justice information system fee is in addition to the other fees listed
9 in this section.

10 **SECTION 3100.** 814.65 (6) of the statutes is created to read:

11 814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal
12 court may require a person to pay a fee upon ordering the suspension or revocation
13 of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)
14 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended
15 or revoked solely for failure to pay a forfeiture imposed for violating an ordinance
16 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee
17 may not exceed the amount that the court is required to pay under s. 85.135.

18 **SECTION 3101.** 815.18 (3) (o) of the statutes is amended to read:

19 815.18 (3) (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

20 **SECTION 3102.** 859.02 (2) (a) of the statutes is amended to read:

21 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
22 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
23 franchise, sales, withholding, gift or death taxes, or on unemployment insurance
24 contributions due or benefits overpaid; a claim for funeral or administrative

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1 expenses; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules
2 promulgated under s. 46.286 (7); or a claim of the United States; or

3 **SECTION 3103.** 859.07 (2) of the statutes is amended to read:

4 859.07 (2) If the decedent was at the time of death or at any time prior thereto
5 a patient or inmate of any state or county hospital or institution or any person
6 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,
7 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
8 ever received the family care benefit under s. 46.286, medical assistance under
9 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
10 or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice
11 in writing of the date set under s. 859.01 by registered or certified mail to the
12 department of health and family services or the department of corrections, as
13 applicable, and the county clerk of the applicable county not less than 30 days before
14 the date set under s. 859.01, upon such blanks and containing such information as
15 the applicable department or county clerk may provide. The applicable county is the
16 county of residence, as defined in s. 49.001 (6).

17 **SECTION 3104.** 867.01 (3) (a) 4. of the statutes is amended to read:

18 867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received the
19 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
20 long-term community support services funded under s. 46.27 (7) or aid under s.
21 49.68, 49.683 or 49.685.

22 **SECTION 3105.** 867.01 (3) (d) of the statutes is amended to read:

23 867.01 (3) (d) *Notice.* The court may hear the matter without notice or order
24 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
25 the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,

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1 long-term community support services funded under s. 46.27 (7) or aid under s.
2 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the
3 department of health and family services as soon as practicable after filing the
4 petition with the court.

5 **SECTION 3106.** 867.02 (2) (a) 6. of the statutes is amended to read:

6 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received the
7 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
8 long-term community support services funded under s. 46.27 (7) or aid under s.
9 49.68, 49.683 or 49.685.

10 **SECTION 3107.** 867.03 (1g) (c) of the statutes is amended to read:

11 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the
12 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
13 long-term community support services funded under s. 46.27 (7) or aid under s.
14 49.68, 49.683 or 49.685.

15 **SECTION 3108.** 867.03 (1m) (a) of the statutes is amended to read:

16 867.03 (1m) (a) Whenever an heir or person who was guardian of the decedent
17 at the time of the decedent's death intends to transfer a decedent's property by
18 affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the
19 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
20 long-term community support services funded under s. 46.27 (7) or aid under s.
21 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the
22 time of the decedent's death shall give notice to the department of health and family
23 services of his or her intent. The notice shall include the information in the affidavit
24 under sub. (1g) and the heir or person who was guardian of the decedent at the time

SENATE BILL 45**SECTION 3108**

1 of the decedent's death shall give the notice by certified mail, return receipt
2 requested.

3 **SECTION 3109.** 867.03 (1m) (b) of the statutes is amended to read:

4 867.03 (1m) (b) An heir or person who was guardian of the decedent at the time
5 of the decedent's death who files an affidavit under sub. (1g) that states that the
6 decedent or the decedent's spouse received the family care benefit under s. 46.286,
7 medical assistance under subch. IV of ch. 49, long-term community support services
8 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the
9 affidavit the proof of mail delivery of the notice required under par. (a) showing a
10 delivery date that is not less than 10 days before the day on which the heir or person
11 who was guardian of the decedent at the time of the decedent's death files the
12 affidavit.

13 **SECTION 3110.** 867.035 (1) (a) (intro.) of the statutes is amended to read:

14 867.035 (1) (a) (intro.) Except as provided in par. (bm), the department of
15 health and family services may collect from the property of a decedent, including
16 funds of a decedent that are held by the decedent immediately before death in a joint
17 account or a P.O.D. account, by affidavit under this section an amount equal to the
18 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term
19 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
20 1., the family care benefit that is recoverable under rules promulgated under s.
21 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s.
22 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse,
23 if all of the following conditions are satisfied:

24 **SECTION 3111.** 867.035 (4) of the statutes is amended to read:

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1 867.035 (4) From the appropriation under s. 20.435 (5) (4) (im), with respect
2 to funds collected by the department under sub. (1) related to medical assistance paid
3 on behalf of the decedent or the decedent's spouse, the department of health and
4 family services shall pay claims under sub. (3), shall pay to the federal government
5 from the amount recovered under this section and not paid out as claims under sub.
6 (3) an amount equal to the amount of federal funds used to pay the benefits recovered
7 under this section and shall spend the remainder of the amount recovered under this
8 section for medical assistance benefits under subch. IV of ch. 49.

9 **SECTION 3112.** 880.60 (4) of the statutes is amended to read:

10 880.60 (4) LIMITATION ON NUMBER OF WARDS. No person or corporate entity other
11 than a county having a population of 100,000 or more, or a bank or trust company
12 ~~or the commandant of the Wisconsin veterans home at King~~ shall be guardian of
13 more than 5 wards at one time, unless all the wards are members of one family. ~~Such~~
14 A county shall act only for patients in its county hospital or mental hospital and for
15 residents of its county home or infirmary, and shall serve without fee. ~~The~~
16 ~~commandant shall act only for members of the Wisconsin veterans home and shall~~
17 ~~serve without fee.~~ Upon presentation of a petition by an attorney of the U.S.
18 department of veterans affairs or other interested person, alleging that a guardian
19 is acting in a fiduciary capacity for more than 5 wards ~~as herein provided~~ and
20 requesting the guardian's discharge for that reason, the court, upon proof
21 substantiating the petition, shall require a final accounting ~~forthwith~~ from such the
22 guardian and shall discharge the guardian from guardianship in excess of 5 and
23 ~~forthwith~~ appoint a successor.

24 **SECTION 3113.** 893.83 of the statutes is created to read:

SENATE BILL 45**SECTION 3113**

1 **893.83 Claims against state and local governments resulting from**
2 **computational date errors. (1)** In this section:

3 (a) “Action” means any civil action or proceeding including any action for
4 declaratory or injunctive relief.

5 (b) “Computational date error” means:

6 1. The failure of a computer system to handle correctly and consistently all
7 dates before, during and after the year 2000; or

8 2. The inability of a computer system to correctly interpret, produce, calculate,
9 generate, utilize, manipulate, represent or account for all dates before, during and
10 after the year 2000.

11 (c) “Computer system” means any electronic or collection of devices, including
12 support devices, networks, and embedded chips, that contains computer programs
13 or electronic instructions and that performs functions including logic, arithmetic,
14 data processing, data storage and retrieval, communication or control.

15 (d) “Local governmental unit” means a political subdivision of this state, a
16 special purpose district in this state, an instrumentality or corporation of such a
17 political subdivision or special purpose district, a combination or subunit of any of
18 the foregoing or a combination of an instrumentality of the state and any of the
19 foregoing.

20 (e) “State governmental unit” means this state, and every subunit or
21 instrumentality of this state, including any institution or authority, regardless of
22 whether moneys are appropriated to the unit.

23 **(2)** No person may bring an action against a state authority or local
24 governmental unit or an officer, employe or agent of a state or local governmental
25 unit acting within the scope of his or her employment or agency for the alleged failure

SENATE BILL 45**SECTION 3113**

1 of the authority, unit, officer, employe or agent to plan for, test for, detect, disclose,
2 prevent, report on, reprogram, remediate or otherwise effect control over a
3 computational date error or to have in place alternative provisions to deal with the
4 effects of a computational date error or for any other act or omission related to a
5 computational date error for which there would otherwise be liability if the authority,
6 unit, officer, employe or agent made a good faith effort to address the alleged failure.

7 (3) Any provision of a contract entered into, extended, modified or renewed by
8 a state or local governmental unit or by a state authority on or after the effective date
9 of this subsection [revisor inserts date], contrary to sub. (2) is void.

10 **SECTION 3114.** 895.82 of the statutes is created to read:

11 **895.82 Interpretation of contracts and other legal instruments:**

12 **European currency.** (1) In this section:

13 (a) “Euro” means the currency of participating member states of the European
14 Union who have adopted a single currency in accordance with the provisions of the
15 1992 Treaty on European Union.

16 (b) “European currency unit” means the currency basket that is the monetary
17 unit of account of the European Economic Community.

18 (2) Unless otherwise required in a contract or other legal instrument, if a
19 subject or medium of payment of a contract or other legal instrument is a currency
20 that has been replaced by the euro, the euro shall be a commercially reasonable
21 substitute for that currency. The valuation of the currency in euros shall be
22 determined in accordance with any applicable regulations adopted by the council of
23 the European Union.

24 (3) Unless otherwise required in a contract or other legal instrument, if a
25 subject or medium of payment of a contract or other legal instrument is the European

SENATE BILL 45**SECTION 3114**

1 currency unit, the euro shall be a commercially reasonable substitute for the
2 European currency unit. The valuation of the European currency unit in euros shall
3 be determined in accordance with any applicable regulations adopted by the council
4 of the European Union.

5 (4) No person may discharge or otherwise excuse performance under any
6 contract or other legal instrument, nor unilaterally alter the terms of, or terminate,
7 any contract or other legal instrument, as a result of sub. (2) or (3).

8 (5) This section shall apply only to a contract or other legal instrument entered
9 into or executed in this state or that contains provisions requiring the contract or
10 other legal instrument to be interpreted according to the law of this state.

11 **SECTION 3115.** 938.02 (6) of the statutes is amended to read:

12 938.02 (6) "Foster home" means any facility that is operated by a person
13 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
14 no more than 4 juveniles unless all of the juveniles are siblings or, if necessary to
15 enable a sibling group to remain together, for no more than 6 juveniles or, if the
16 department of health and family services promulgates rules permitting a different
17 number of juveniles, for the number of juveniles permitted under those rules.

18 **SECTION 3116.** 938.02 (14m) of the statutes is amended to read:

19 938.02 (14m) "Pupil assistance program" means a program provided by a
20 school board under s. ~~115.362 (4) (b) 2.~~ 115.361 to intervene in the abuse of alcohol
21 and other drugs by pupils.

22 **SECTION 3117.** 938.02 (15g) of the statutes is amended to read:

23 938.02 (15g) "Secured child caring institution" means a child caring institution
24 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
25 secure custody persons adjudged delinquent.

SENATE BILL 45**SECTION 3118**

1 **SECTION 3118.** 938.02 (15m) of the statutes is amended to read:

2 938.02 (**15m**) “Secured correctional facility” means a correctional institution
3 operated or contracted for by the department of corrections or operated by the
4 department of health and family services for holding in secure custody persons
5 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile
6 treatment center under s. 46.057, the facility at which the juvenile boot camp
7 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
8 (b), 938.538 (4) (b) or 938.539 (5).

9 **SECTION 3119.** 938.02 (15p) of the statutes is created to read:

10 938.02 (**15p**) “Secured group home” means a group home operated by a county
11 department that is licensed under s. 48.66 (1) (b) to hold in secure custody persons
12 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
13 or 938.34 (4h) or (4m).

14 **SECTION 3120.** 938.02 (17) of the statutes is amended to read:

15 938.02 (**17**) “Shelter care facility” means a nonsecure place of temporary care
16 and physical custody for juveniles, including a holdover room, licensed by the
17 department of health and family services under s. 48.66 (1) (a).

18 **SECTION 3121.** 938.06 (1) (a) 2. of the statutes is amended to read:

19 938.06 (**1**) (a) 2. ~~The~~ Subject to subd. 2m., the chief judge of the judicial
20 administrative district shall formulate written judicial policy governing intake and
21 court services for juvenile matters under this chapter and the director shall be
22 charged with executing the judicial policy. The chief judge shall direct and supervise
23 the work of all personnel of the court, except the work of the district attorney or
24 corporation counsel assigned to the court. The chief judge may delegate his or her
25 supervisory functions under s. 938.065 (1).

SENATE BILL 45**SECTION 3122**

1 **SECTION 3122.** 938.06 (1) (a) 2m. of the statutes is created to read:

2 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
3 intake and court services, the chief judge may not direct the department of health
4 and family services to provide those services in any case in which the referral
5 information indicates that a juvenile should be referred to the court as delinquent,
6 in need of protection or services under this chapter or in violation of a civil law or
7 ordinance, unless that information indicates that the juvenile should also be referred
8 to the court as in need of protection or services under ch. 48. The chief judge shall
9 direct the department of health and family services and the county department to
10 coordinate the provision of services in cases in which the intake worker determines
11 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
12 or in addition to ch. 48 and in cases in which the intake worker determines under s.
13 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
14 to this chapter.

15 **SECTION 3123.** 938.069 (1) (dj) of the statutes is amended to read:

16 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
17 from a secured correctional facility ~~or~~ a secured child caring institution or a secured
18 group home.

19 **SECTION 3124.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

20 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
21 sub. (2), department personnel designated by the department ~~and~~ personnel of an
22 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
23 the agency and the department and personnel of a county contracted with under s.
24 301.08 (1) (b) 4. designated by agreement between the county and the department

SENATE BILL 45**SECTION 3124**

1 have the power of law enforcement authorities to take a juvenile into physical
2 custody under the following conditions:

3 **SECTION 3125.** 938.08 (3) (a) 1. of the statutes is amended to read:

4 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
5 from a secured correctional facility ~~or~~, a child caring institution or a secured group
6 home.

7 **SECTION 3126.** 938.08 (3) (a) 2. of the statutes is amended to read:

8 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
9 facility ~~or~~, a child caring institution or a secured group home after any authorized
10 absence.

11 **SECTION 3127.** 938.08 (3) (b) of the statutes is amended to read:

12 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
13 returned directly to the secured correctional facility ~~or~~, child caring institution or
14 secured group home and shall have a hearing regarding placement in a disciplinary
15 cottage or in disciplinary status in accordance with ch. 227.

16 **SECTION 3128.** 938.17 (1) (c) of the statutes is amended to read:

17 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to
18 serve a period of incarceration of 6 months or more, that court shall petition the court
19 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
20 of the dispositions provided in s. 938.34, including placement of the juvenile in a
21 secured correctional facility or a secured group home under s. 938.34 (4m), if
22 appropriate.

23 **SECTION 3129.** 938.17 (2) (d) of the statutes is amended to read:

24 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
25 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that

SENATE BILL 45**SECTION 3129**

1 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
2 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
3 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
4 imposed by the municipal court, the court may not impose a jail sentence but may
5 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
6 years, or, subject to the fee under s. 85.135, if applicable may suspend the juvenile's
7 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more
8 than 5 years. If a court suspends a license or privilege under this section, the court
9 shall immediately take possession of the applicable license and forward it to the
10 department that issued the license, together with the notice of suspension clearly
11 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
12 the forfeiture is paid during the period of suspension, the court shall immediately
13 notify the department, which shall thereupon return the license to the person.

14 **SECTION 3130.** 938.183 (1) (a) of the statutes is amended to read:

15 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
16 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
17 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured
18 group home or who has been adjudicated delinquent and who is alleged to have
19 committed a violation of s. 940.20 (2m).

20 **SECTION 3131.** 938.208 (2) of the statutes is amended to read:

21 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
22 another state or has run away from a secured correctional facility, a secured child
23 caring institution or a secured group home and there has been no reasonable
24 opportunity to return the juvenile.

25 **SECTION 3132.** 938.22 (title) of the statutes is amended to read:

SENATE BILL 45**SECTION 3132**

1 **938.22** (title) ~~Establishment of secure detention facilities and shelter~~
2 ~~care county or private juvenile facilities.~~

3 **SECTION 3133.** 938.22 (1) (a) of the statutes is amended to read:

4 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
5 county may establish a secured group home or a secure detention facility in
6 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
7 more counties may jointly establish a secure detention facility in accordance with ss.
8 46.20, 301.36 and 301.37. The county board of supervisors of any county may
9 establish a ~~secure detention facility or a shelter care facility or both~~ in accordance
10 with ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties
11 may jointly establish a ~~secure detention facility or a shelter care facility or both~~ in
12 accordance with ss. 46.16, 46.17 and 46.20 ~~and 301.36~~. A private entity may
13 establish a secure detention facility in accordance with ss. 301.36 and 301.37 and
14 contract with one or more county boards of supervisors under s. 938.222 for holding
15 juveniles in the private secure detention facility.

16 **SECTION 3134.** 938.22 (1) (b) of the statutes is amended to read:

17 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
18 than 500,000, the nonjudicial operational policies of a public secured group home,
19 secure detention facility or shelter care facility shall be determined by the county
20 board of supervisors or, in the case of a public secured group home, secure detention
21 facility or shelter care facility established by 2 or more counties, by the county boards
22 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
23 the superintendent appointed under sub. (3) (a).

24 **SECTION 3135.** 938.22 (1) (c) of the statutes is amended to read:

SENATE BILL 45**SECTION 3135**

1 938.22 (1) (c) In counties having a population of 500,000 or more, the
2 nonjudicial operational policies of a public secured group home, secure detention
3 facility and the detention section of the children's court center shall be established
4 by the county board of supervisors, and the execution thereof shall be the
5 responsibility of the director of the children's court center.

6 **SECTION 3136.** 938.22 (2) (a) of the statutes is amended to read:

7 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
8 detention facility or juvenile portion of the county jail to the department of
9 corrections and submit plans for the shelter care facility to the department of health
10 and family services. A private entity that proposes to establish a secure detention
11 facility shall submit plans for the secure detention facility to the department of
12 corrections. The applicable department shall review the submitted plans. A county
13 or a private entity may not implement any such plan unless the applicable
14 department has approved the plan. The department of corrections shall promulgate
15 rules establishing minimum requirements for the approval of the operation of
16 secured group homes, secure detention facilities and the juvenile portion of county
17 jails. The plans and rules shall be designed to protect the health, safety and welfare
18 of the juveniles ~~in these~~ placed in those facilities.

19 **SECTION 3137.** 938.22 (3) (a) of the statutes is amended to read:

20 938.22 (3) (a) In counties having a population of less than 500,000, public
21 secured group homes, secure detention facilities and public shelter care facilities
22 shall be in the charge of a superintendent. The county board of supervisors or, where
23 2 or more counties operate joint public secured group homes, secure detention
24 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2
25 or more counties jointly shall appoint the superintendent and other necessary

SENATE BILL 45**SECTION 3137**

1 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
2 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in
3 counties having civil service.

4 **SECTION 3138.** 938.22 (3) (b) of the statutes is amended to read:

5 938.22 (3) (b) In counties having a population of 500,000 or more, the director
6 of the children’s court center shall be in charge of and responsible for public secured
7 group homes, secure detention facilities, the secure detention section of the center
8 and the personnel assigned to this section, including a detention supervisor or
9 superintendent. The director of the children’s court center may also serve as
10 superintendent of detention if the county board of supervisors so determines.

11 **SECTION 3139.** 938.22 (7) (a) of the statutes is amended to read:

12 938.22 (7) (a) No person may establish a shelter care facility without first
13 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
14 operate a shelter care facility, a person must meet the minimum requirements for a
15 license established by the department of health and family services under s. 48.67,
16 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).
17 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
18 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

19 **SECTION 3140.** 938.22 (7) (b) of the statutes is amended to read:

20 938.22 (7) (b) Before the department of health and family services may issue
21 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
22 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15
23 per juvenile, based on the number of juveniles that the shelter care facility is licensed
24 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
25 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.

SENATE BILL 45**SECTION 3140**

1 A new shelter care facility shall pay the fee under this paragraph by no later than
2 30 days before the opening of the shelter care facility.

3 **SECTION 3141.** 938.22 (7) (c) of the statutes is amended to read:

4 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
5 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
6 date of the license or a new shelter care facility that fails to pay the fee under par.
7 (b) by 30 days before the opening of the shelter care facility shall pay an additional
8 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

9 **SECTION 3142.** 938.23 (1) (a) of the statutes is amended to read:

10 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
11 a secure detention facility shall be represented by counsel at all stages of the
12 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
13 satisfied that the waiver is knowingly and voluntarily made and the court accepts
14 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
15 correctional facility, a secured child caring institution or a secured group home,
16 transfer supervision of the juvenile to the department for participation in the serious
17 juvenile offender program or transfer jurisdiction over the juvenile to adult court.

18 **SECTION 3143.** 938.24 (5) of the statutes is amended to read:

19 938.24 (5) The intake worker shall request that a petition be filed, enter into
20 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
21 of referral information. Before entering into a deferred prosecution agreement, the
22 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
23 or a deferred prosecution agreement is entered into, the district attorney, corporation
24 counsel or other official under s. 938.09 shall receive written notice of such action.
25 If the case is closed, the known victims of the juvenile's alleged act shall receive notice

SENATE BILL 45**SECTION 3143**

1 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
2 ~~agreement is entered into placing a juvenile in a youth village program as described~~
3 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
4 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
5 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
6 shall include a summary of the facts surrounding the allegation and a list of prior
7 intake referrals and dispositions. If a law enforcement officer has made a
8 recommendation concerning the juvenile, the intake worker shall forward this
9 recommendation to the district attorney under s. 938.09. Notwithstanding the
10 requirements of this section, the district attorney may initiate a delinquency petition
11 under s. 938.25 within 20 days after notice that the case has been closed or that a
12 deferred prosecution agreement has been entered into. The judge shall grant
13 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
14 which is not referred or filed within the time limits specified within this subsection.
15 Failure to object if a petition is not referred or filed within a time limit specified in
16 this subsection waives that time limit.

17 **SECTION 3144.** 938.245 (2) (a) 9. of the statutes is repealed.

18 **SECTION 3145.** 938.245 (2) (b) of the statutes is amended to read:

19 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
20 ~~under par. (a) 9.,~~ may not include any form of out-of-home placement and may not
21 exceed one year.

22 **SECTION 3146.** 938.245 (3) of the statutes is amended to read:

23 938.245 (3) The obligations imposed under a deferred prosecution agreement
24 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
25 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~

SENATE BILL 45**SECTION 3146**

1 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
2 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
3 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
4 guardian and legal custodian shall receive a copy of the agreement and order, as shall
5 any agency providing services under the agreement.

6 **SECTION 3147.** 938.245 (4) of the statutes is amended to read:

7 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
8 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
9 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
10 ~~request the court to terminate~~ the deferred prosecution agreement at any time or to
11 object at any time to the fact or terms of the deferred prosecution agreement. If an
12 objection arises the intake worker may alter the terms of the agreement or request
13 the district attorney or corporation counsel to file a petition. If the deferred
14 prosecution agreement is terminated the intake worker may request the district
15 attorney or corporation counsel to file a petition.

16 **SECTION 3148.** 938.245 (5) of the statutes is amended to read:

17 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
18 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
19 custodian. ~~A deferred prosecution agreement under sub. (2) (a) 9. may be terminated~~
20 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

21 **SECTION 3149.** 938.32 (1) (a) of the statutes is amended to read:

22 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
23 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
24 commissioner may suspend the proceedings and place the juvenile under
25 supervision in the juvenile's own home or present placement ~~or in a youth village~~

SENATE BILL 45**SECTION 3149**

1 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
2 applicable to the parent, guardian or legal custodian, and to the juvenile, including
3 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
4 under this section shall be known as a consent decree and must be agreed to by the
5 juvenile; the parent, guardian or legal custodian; and the person filing the petition
6 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
7 the consent decree shall include provisions for payment of the services as specified
8 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

9 **SECTION 3150.** 938.32 (2) (c) of the statutes is amended to read:

10 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
11 parent, guardian, legal custodian, intake worker or any agency supervising the
12 juvenile under the consent decree, the court may, after giving notice to the parties
13 to the consent decree and their counsel, if any, extend the decree for up to an
14 additional 6 months ~~or, if the consent decree places the juvenile in a youth village~~
15 ~~program as described in s. 118.42, for up to an additional one year in the absence of~~
16 objection to extension by the parties to the initial consent decree. If the parent,
17 guardian or legal custodian objects to the extension, the court shall schedule a
18 hearing and make a determination on the issue of extension. ~~A consent decree~~
19 ~~placing a juvenile in a youth village program as described in s. 118.42 may be~~
20 ~~extended no more than twice.~~

21 **SECTION 3151.** 938.33 (3) (intro.) of the statutes is amended to read:

22 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
23 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
24 ~~department or, a secured child caring institution~~ or a secured group home shall be
25 in writing, except that the report may be presented orally at the dispositional

SENATE BILL 45**SECTION 3151**

1 hearing if the juvenile and the juvenile's counsel consent. A report that is presented
2 orally shall be transcribed and made a part of the court record. In addition to the
3 information specified under sub. (1) (a) to (d), the report shall include all of the
4 following:

5 **SECTION 3152.** 938.33 (3) (a) of the statutes is amended to read:

6 938.33 (3) (a) A description of any less restrictive alternatives that are
7 available and that have been considered, and why they have been determined to be
8 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
9 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
10 than placement in a secured correctional facility ~~or~~, a secured child caring institution
11 or a secured group home is not appropriate.

12 **SECTION 3153.** 938.33 (3r) of the statutes is amended to read:

13 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
14 adjudicated delinquent for committing a violation for which the juvenile may be
15 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
16 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
17 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
18 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
19 secured correctional facility or a secured group home under s. 938.34 (4m), a
20 placement specified in s. 938.34 (3) or placement in the juvenile's home with
21 supervision and community-based programming and a recommendation as to the
22 type of placement for which the juvenile is best suited.

23 **SECTION 3154.** 938.34 (3) (dm) of the statutes is repealed.

24 **SECTION 3155.** 938.34 (4m) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 3155**

1 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
2 correctional facility, a secured child caring institution or a secured group home under
3 the supervision of the department if the juvenile is 12 years of age or over or, if the
4 juvenile is under 12 years of age, in a secured child caring institution or a secured
5 group home under the supervision of the department, unless the department, after
6 an examination under s. 938.50, determines that placement in a secured correctional
7 facility is more appropriate, but only if all of the following apply:

8 **SECTION 3156.** 938.34 (4n) (intro.) of the statutes is amended to read:

9 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
10 arrangement between the department and a county department regarding the
11 provision of aftercare supervision for juveniles who have been released from a
12 secured correctional facility ~~or~~, a secured child caring institution or a secured group
13 home, designate one of the following to provide aftercare supervision for the juvenile
14 following the juvenile's release from the secured correctional facility ~~or~~, secured child
15 caring institution or secured group home:

16 **SECTION 3157.** 938.34 (4n) (b) of the statutes is amended to read:

17 938.34 (4n) (b) The county department of the county of the court that placed
18 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
19 secured group home.

20 **SECTION 3158.** 938.34 (5m) of the statutes is amended to read:

21 938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
22 participate in a youth corps program, as defined in s. ~~16.22~~ 46.78 (1) (dm) or another
23 community service work program, if the sponsor of the program approves the
24 juvenile's participation in the program.

25 **SECTION 3159.** 938.34 (8) of the statutes is amended to read:

SENATE BILL 45**SECTION 3159**

1 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
2 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
3 maximum forfeiture that the court may impose under this subsection for a violation
4 by a juvenile is the maximum amount of the fine that may be imposed on an adult
5 for committing that violation or, if the violation is applicable only to a person under
6 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
7 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
8 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
9 other alternatives under this section, in accordance with the conditions specified in
10 this chapter; or the court may suspend any license issued under ch. 29 for not less
11 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if
12 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)
13 for not less than 30 days nor more than 5 years. If the court suspends any license
14 under this subsection, the clerk of the court shall immediately take possession of the
15 suspended license and forward it to the department which issued the license,
16 together with a notice of suspension clearly stating that the suspension is for failure
17 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period
18 of suspension, the suspension shall be reduced to the time period which has already
19 elapsed and the court shall immediately notify the department which shall then
20 return the license to the juvenile. Any recovery under this subsection shall be
21 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
22 (b).

23 **SECTION 3160.** 938.34 (8d) (c) of the statutes is amended to read:

24 938.34 (8d) (c) If a juvenile placed in a secured correctional facility ~~or~~, a secured
25 child caring institution or a secured group home fails to pay the surcharge under par.

SENATE BILL 45**SECTION 3160**

1 (a), the department shall assess and collect the amount owed from the juvenile's
2 wages or other moneys. Any amount collected shall be transmitted to the state
3 treasurer.

4 **SECTION 3161.** 938.343 (2) of the statutes is amended to read:

5 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
6 be imposed on an adult for committing that violation or, if the violation is only
7 applicable to a person under 18 years of age, \$50. Any such order shall include a
8 finding that the juvenile alone is financially able to pay and shall allow up to 12
9 months for the payment. If a juvenile fails to pay the forfeiture, the court may
10 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if
11 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01
12 (40), for not less than 30 days nor more than 5 years. The court shall immediately
13 take possession of the suspended license and forward it to the department which
14 issued the license, together with the notice of suspension clearly stating that the
15 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
16 paid during the period of suspension, the court shall immediately notify the
17 department, which will thereupon return the license to the person. Any recovery
18 under this subsection shall be reduced by the amount recovered as a forfeiture for
19 the same act under s. 938.45 (1r) (b).

20 **SECTION 3162.** 938.345 (1) (a) of the statutes is amended to read:

21 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a
22 secured correctional facility ~~or~~, a secured child caring institution or a secured group
23 home.

24 **SECTION 3163.** 938.355 (1) of the statutes is amended to read:

SENATE BILL 45**SECTION 3163**

1 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
2 decide on a placement and treatment finding based on evidence submitted to the
3 court. The disposition shall employ those means necessary to promote the objectives
4 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
5 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
6 finding that the juvenile's current residence will not safeguard the welfare of the
7 juvenile or the community due to the serious nature of the act for which the juvenile
8 was adjudicated delinquent. If the judge has determined that any of the conditions
9 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima
10 facie evidence that a less restrictive alternative than placement in a secured
11 correctional facility ~~or~~, a secured child caring institution or a secured group home is
12 not appropriate. If information under s. 938.331 has been provided in a court report
13 under s. 938.33 (1), the court shall consider that information when deciding on a
14 placement and treatment finding.

15 **SECTION 3164.** 938.357 (3) of the statutes is amended to read:

16 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
17 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a
18 secured child caring institution or a secured group home, notice shall be given as
19 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,
20 guardian and legal custodian, before the judge makes a decision on the request. The
21 juvenile shall be entitled to counsel at the hearing, and any party opposing or
22 favoring the proposed new placement may present relevant evidence and
23 cross-examine witnesses. The proposed new placement may be approved only if the
24 judge finds, on the record, that the conditions set forth in s. 938.34 (4h) or (4m) have
25 been met.

SENATE BILL 45**SECTION 3165**

1 **SECTION 3165.** 938.357 (4) (a) of the statutes is amended to read:

2 938.357 (4) (a) When the juvenile is placed with the department under s.
3 938.183 or 938.34 (4m), the department may, after an examination under s. 938.50,
4 place the juvenile in a secured correctional facility ~~or~~, a secured child caring
5 institution, a secured group home or on aftercare supervision, either immediately or
6 after a period of placement in a secured correctional facility ~~or~~, a secured child caring
7 institution or a secured group home. The department shall send written notice of the
8 change to the parent, guardian, legal custodian, county department designated
9 under s. 938.34 (4n), if any, and committing court. If the department places a juvenile
10 in a Type 2 secured correctional facility operated by a child welfare agency, the
11 department shall reimburse the child welfare agency at the rate established under
12 s. 46.037 that is applicable to the type of placement that the child welfare agency is
13 providing for the juvenile. A juvenile who is placed in a Type 2 secured correctional
14 facility ~~or~~, a secured child caring institution or a secured group home remains under
15 the supervision of the department, remains subject to the rules and discipline of ~~that~~
16 the department and is considered to be in custody, as defined in s. 946.42 (1) (a).

17 **SECTION 3166.** 938.357 (4g) (a) of the statutes is amended to read:

18 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
19 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a
20 secured group home, or within 30 days after the date on which the department
21 requests the aftercare plan, whichever is earlier, the aftercare provider designated
22 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare
23 provider designated under s. 938.34 (4n) is a county department, that county
24 department shall submit the aftercare plan to the department within the time limits

SENATE BILL 45**SECTION 3166**

1 specified in this paragraph, unless the department waives those time limits under
2 par. (b).

3 **SECTION 3167.** 938.357 (4g) (b) of the statutes is amended to read:

4 938.357 (4g) (b) The department may waive the time period within which an
5 aftercare plan must be prepared and submitted under par. (a) if the department
6 anticipates that the juvenile will remain in the secured correctional facility ~~or,~~
7 secured child caring institution or secured group home for a period exceeding 8
8 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives
9 that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare
10 the aftercare plan within 30 days after the date on which the department requests
11 the aftercare plan.

12 **SECTION 3168.** 938.357 (4g) (d) of the statutes is amended to read:

13 938.357 (4g) (d) A juvenile may be released from a secured correctional facility
14 ~~or,~~ a secured child caring institution or a secured group home whether or not an
15 aftercare plan has been prepared under this subsection.

16 **SECTION 3169.** 938.357 (5) (e) of the statutes is amended to read:

17 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a
18 condition of aftercare supervision, the hearing examiner shall determine whether
19 confinement in a secured correctional facility ~~or,~~ a secured child caring institution
20 or a secured group home is necessary to protect the public, to provide for the juvenile's
21 rehabilitation or to not depreciate the seriousness of the violation.

22 **SECTION 3170.** 938.357 (5) (f) of the statutes is amended to read:

23 938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court
24 by whose order the juvenile was placed in a secured correctional facility ~~or,~~ a secured
25 child caring institution or a secured group home.

SENATE BILL 45**SECTION 3171**

1 **SECTION 3171.** 938.38 (3) (a) of the statutes is amended to read:

2 938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a
3 secure detention facility, juvenile portion of a county jail or shelter care facility, and
4 the agency intends to recommend that the juvenile be placed in a secured
5 correctional facility ~~or~~, a secured child caring institution or a secured group home,
6 the agency is not required to submit the permanency plan unless the court does not
7 accept the recommendation of the agency. If the court places the juvenile in any
8 facility outside of the juvenile's home other than a secured correctional facility ~~or~~, a
9 secured child caring institution or a secured group home, the agency shall file the
10 permanency plan with the court within 60 days after the date of disposition.

11 **SECTION 3172.** 938.48 (4) of the statutes is amended to read:

12 938.48 (4) Provide appropriate care and training for juveniles under its
13 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including
14 serving those juveniles in their own homes, placing them in licensed foster homes or
15 licensed treatment foster homes in accordance with s. 48.63 or licensed group homes,
16 contracting for their care by licensed child welfare agencies or replacing them in
17 juvenile secured correctional institutions ~~or facilities~~, secured child caring
18 institutions or secured group homes in accordance with rules promulgated under ch.
19 227, except that the department may not purchase the educational component of
20 private day treatment programs for juveniles in its custody unless the department,
21 the school board as defined in s. 115.001 (7) and the state superintendent of public
22 instruction all determine that an appropriate public education program is not
23 available. Disputes between the department and the school district shall be resolved
24 by the state superintendent of public instruction.

25 **SECTION 3173.** 938.51 (1) (intro.) of the statutes is amended to read:

SENATE BILL 45**SECTION 3173**

1 938.51 (1) (intro.) At least 15 days prior to the date of release from a secured
2 correctional facility ~~or~~, a secured child caring institution or a secured group home of
3 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
4 release from the supervision of the department or a county department of a juvenile
5 who has been adjudicated delinquent, the department or county department having
6 supervision over the juvenile shall make a reasonable attempt to do all of the
7 following:

8 **SECTION 3174.** 938.51 (1m) of the statutes is amended to read:

9 938.51 (1m) The department or county department having supervision over a
10 juvenile described in sub. (1) shall determine the local agencies that it will notify
11 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
12 intended residence specified in the juvenile's aftercare supervision plan or, if those
13 methods do not indicate the community in which the juvenile will reside following
14 release from a secured correctional facility ~~or, from~~, a secured child caring institution
15 or a secured group home or from the supervision of the department or county
16 department, the community in which the juvenile states that he or she intends to
17 reside.

18 **SECTION 3175.** 938.51 (4) (intro.) of the statutes is amended to read:

19 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from
20 a secured correctional facility, child caring institution, secured group home,
21 inpatient facility, secure detention facility or juvenile portion of a county jail, or from
22 the custody of a peace officer or a guard of such a facility, institution, home or jail,
23 or has been allowed to leave a secured correctional facility, child caring institution,
24 secured group home, inpatient facility, secure detention facility or juvenile portion
25 of a county jail for a specified period of time and is absent from the facility, institution,

SENATE BILL 45**SECTION 3175**

1 home or jail for more than 12 hours after the expiration of the specified period, as
2 soon as possible after the department or county department having supervision over
3 the juvenile discovers that escape or absence, that department or county department
4 shall make a reasonable attempt to notify by telephone all of the following persons:

5 **SECTION 3176.** 938.533 (2) of the statutes is amended to read:

6 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
7 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
8 an average daily population of ~~106 juveniles in fiscal year 1997-98 and 136 juveniles~~
9 ~~in fiscal year 1998-99~~, or an average daily population of more than ~~106 juveniles in~~
10 ~~fiscal year 1997-98 and 136 juveniles in fiscal year 1998-99~~ if the appropriation
11 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
12 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
13 to serve more than ~~those~~ that average daily ~~populations~~ population are otherwise
14 available, in not less than 3 counties, including Milwaukee County. The office of
15 juvenile offender review in the department shall evaluate and select for participation
16 in the program juveniles who have been placed under the supervision of the
17 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
18 shall place a program participant in the community, provide intensive surveillance
19 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to
20 purchase community-based treatment services for each participant. The
21 department shall make the intensive surveillance required under this subsection
22 available 24 hours a day, 7 days a week, and may purchase or provide electronic
23 monitoring for the intensive surveillance of program participants. The department
24 shall provide a report center in Milwaukee County to provide on-site programming
25 after school and in the evening for juveniles from Milwaukee County who are placed

SENATE BILL 45**SECTION 3176**

1 in the corrective sanctions program. A contact worker providing services under the
2 program shall have a case load of approximately 10 juveniles and, during the initial
3 phase of placement in the community under the program of a juvenile who is
4 assigned to that contact worker, shall have not less than one face-to-face contact per
5 day with that juvenile. Case management services under the program shall be
6 provided by a corrective sanctions agent who shall have a case load of approximately
7 15 juveniles. The department shall promulgate rules to implement the program.

8 **SECTION 3177.** 938.533 (3) (a) of the statutes is amended to read:

9 938.533 (3) (a) A participant in the corrective sanctions program remains
10 under the supervision of the department, remains subject to the rules and discipline
11 of that department and is considered to be in custody, as defined in s. 946.42 (1) (a).
12 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
13 juvenile's participation in the corrective sanctions program the department may,
14 without a hearing, take the juvenile into custody and place the juvenile in a secured
15 detention facility or return the juvenile to placement in a Type 1 secured correctional
16 facility ~~or~~, a secured child caring institution or a secured group home.

17 **SECTION 3178.** 938.535 of the statutes is amended to read:

18 **938.535 Early release and intensive supervision program; limits.** The
19 department may establish a program for the early release and intensive supervision
20 of juveniles who have been placed in a secured correctional facility ~~or~~, a secured child
21 caring institution or a secured group home under s. 938.183 or 938.34 (4m). The
22 program may not include any juveniles who have been placed in a secured
23 correctional facility ~~or~~, a secured child caring institution or a secured group home as
24 a result of a delinquent act involving the commission of a violent crime as defined in
25 s. 969.035, but not including the crime specified in s. 948.02 (1).

SENATE BILL 45**SECTION 3179**

1 **SECTION 3179.** 938.538 (3) (a) 1. of the statutes is amended to read:

2 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
3 correctional facility, a secured child caring institution, a secured group home or, if the
4 participant is 17 years of age or over or 15 years of age or over and transferred under
5 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more
6 than 3 years.

7 **SECTION 3180.** 938.538 (3) (a) 1m. of the statutes is amended to read:

8 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
9 committing an act that would be a Class A felony if committed by an adult, placement
10 in a Type 1 secured correctional facility, a secured child caring institution, a secured
11 group home or, if the participant is 17 years of age or over or 15 years of age or over
12 and transferred under s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5),
13 until the participant reaches 25 years of age, unless the participant is released
14 sooner, subject to a mandatory minimum period of confinement of not less than one
15 year.

16 **SECTION 3181.** 938.538 (3) (a) 1p. of the statutes is amended to read:

17 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
18 treatment foster home, group home, secured group home, child caring institution or
19 secured child caring institution.

20 **SECTION 3182.** 938.538 (4) (a) of the statutes is amended to read:

21 938.538 (4) (a) A participant in the serious juvenile offender program is under
22 the supervision and control of the department, is subject to the rules and discipline
23 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).
24 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
25 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2

SENATE BILL 45**SECTION 3182**

1 secured correctional facility the department may, without a hearing, take the
2 participant into custody and return him or her to placement in a Type 1 secured
3 correctional facility, a secured child caring institution, a secured group home or, if the
4 participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any
5 intentional failure of a participant to remain within the extended limits of his or her
6 placement while participating in the serious juvenile offender program or to return
7 within the time prescribed by the administrator of the division of intensive sanctions
8 in the department is considered an escape under s. 946.42 (3) (c).

9 **SECTION 3183.** 938.57 (1) (c) of the statutes is amended to read:

10 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
11 care, including providing services for juveniles and their families in their own homes,
12 placing the juveniles in licensed foster homes, licensed treatment foster homes or
13 licensed group homes in this state or another state within a reasonable proximity to
14 the agency with legal custody or contracting for services for them by licensed child
15 welfare agencies or replacing them in juvenile secured correctional institutions or
16 facilities, secured child caring institutions or secured group homes in accordance
17 with rules promulgated under ch. 227, except that the county department may not
18 purchase the educational component of private day treatment programs unless the
19 county department, the school board as defined in s. 115.001 (7) and the state
20 superintendent of public instruction all determine that an appropriate public
21 education program is not available. Disputes between the county department and
22 the school district shall be resolved by the state superintendent of public instruction.

23 **SECTION 3184.** 938.57 (4) of the statutes is amended to read:

24 938.57 (4) A county department may provide aftercare supervision under s.
25 938.34 (4n) for juveniles who are released from secured correctional facilities or,

SENATE BILL 45**SECTION 3184**

1 secured child caring institutions ~~operated by the department~~ or secured group
2 homes. If a county department intends to change its policy regarding whether the
3 county department or the department shall provide aftercare supervision for
4 juveniles released from secured correctional facilities ~~or~~, secured child caring
5 institutions ~~operated by the department~~ or secured group homes, the county
6 executive or county administrator, or, if the county has no county executive or county
7 administrator, the chairperson of the county board of supervisors, or, for multicounty
8 departments, the chairpersons of the county boards of supervisors jointly, shall
9 submit a letter to the department stating that intent before July 1 of the year
10 preceding the year in which the policy change will take effect.

11 **SECTION 3185.** 938.59 (1) of the statutes is amended to read:

12 938.59 (1) The county department shall investigate the personal and family
13 history and environment of any juvenile transferred to its legal custody or placed
14 under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
15 examinations of the juvenile considered necessary to determine the type of care
16 ~~necessary for the juvenile~~ or placement that is best suited to the juvenile and to the
17 protection of the public. The county department shall screen a juvenile who is
18 examined under this subsection to determine whether the juvenile is in need of
19 special treatment or care because of alcohol or other drug abuse, mental illness or
20 severe emotional disturbance. The county department shall keep a complete record
21 of the information received from the court, the date of reception, all available data
22 on the personal and family history of the juvenile, the results of all tests and
23 examinations given the juvenile and a complete history of all placements of the
24 juvenile while in the legal custody or under the supervision of the county
25 department.

SENATE BILL 45**SECTION 3186**

1 **SECTION 3186.** 938.78 (3) of the statutes is amended to read:

2 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
3 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
4 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
5 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
6 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
7 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
8 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
9 correctional facility, child caring institution, secured group home, inpatient facility,
10 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
11 or from the custody of a peace officer or a guard of such a facility, institution or jail,
12 or has been allowed to leave a secured correctional facility, child caring institution,
13 secured group home, inpatient facility, secure detention facility or juvenile portion
14 of a county jail for a specified time period and is absent from the facility, institution,
15 home or jail for more than 12 hours after the expiration of the specified period, the
16 department or county department having supervision over the juvenile may release
17 the juvenile's name and any information about the juvenile that is necessary for the
18 protection of the public or to secure the juvenile's return to the facility, institution,
19 home or jail. The department of corrections shall promulgate rules establishing
20 guidelines for the release of the juvenile's name or information about the juvenile to
21 the public.

22 **SECTION 3187.** 938.78 (4) of the statutes is created to read:

23 938.78 (4) (a) Except as provided under pars. (b) and (c) or by order of the court,
24 no agency may make available for inspection or disclose the contents of any record
25 kept or information received relating to a foster parent, treatment foster parent or

SENATE BILL 45**SECTION 3187**

1 family-operated group home, as defined in s. 48.627 (1), parent or a family member
2 of a foster parent, treatment foster parent or family-operated group home parent
3 without first receiving the written permission of the foster parent, treatment foster
4 parent or family-operated group home parent.

5 (b) Paragraph (a) does not apply to the confidential exchange of information
6 between an agency and another social welfare agency. A social welfare agency that
7 obtains information under this paragraph shall keep the information confidential as
8 required under this section and s. 48.78.

9 (c) Paragraph (a) does not prohibit an agency from disclosing the name and
10 address of a foster parent, treatment foster parent or family-operated group home
11 parent under s. 938.20 (8), 938.33 (5), 938.355 (2) (b) 2., 938.357 (1), (2m) or (4) (a)
12 or (c) 3. or 938.38 (4) (c) or from disclosing to the parent, guardian or legal custodian
13 of a juvenile the location of an alternate placement of the juvenile under s. 938.538
14 (3) (a) 1p.

15 **SECTION 3188.** 939.635 (1) of the statutes is amended to read:

16 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
17 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
18 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.
19 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a
20 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20
21 (2m), the court shall sentence the person to not less than 3 years of imprisonment.
22 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
23 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
24 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,

SENATE BILL 45**SECTION 3188**

1 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
2 the court shall sentence the person to not less than 5 years of imprisonment.

3 **SECTION 3189.** 939.635 (2) (b) of the statutes is amended to read:

4 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
5 specified in sub. (1) is not necessary to deter the person or other persons from
6 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
7 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
8 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
9 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
10 committing violations of s. 940.20 (2m).

11 **SECTION 3190.** 940.20 (2m) (a) 1. of the statutes is amended to read:

12 940.20 (2m) (a) 1. "Aftercare agent" means any person authorized by the
13 department of corrections or a county department under s. 46.215, 46.22 or 46.23 to
14 exercise control over a juvenile on aftercare.

15 **SECTION 3191.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

16 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
17 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
18 39.51 (9) (f), (g) ~~or (h)~~ (1) (e) 6., 7. or 8.; and

19 **SECTION 3192.** 946.42 (1) (a) of the statutes is amended to read:

20 946.42 (1) (a) "Custody" includes without limitation actual custody of an
21 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
22 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,
23 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),
24 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion
25 of a county jail, or of a peace officer or institution guard and constructive custody of

SENATE BILL 45**SECTION 3192**

1 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)
2 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the
3 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary
4 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,
5 without limitation, that of the sheriff of the county to which the prisoner was
6 transferred after conviction. It does not include the custody of a probationer, parolee
7 or person on extended supervision by the department of corrections or a probation,
8 extended supervision or parole officer or the custody of a person who has been
9 released to aftercare supervision under ch. 938 unless the person is in actual custody
10 or is subject to a confinement order under s. 973.09 (4).

11 **SECTION 3193.** 946.44 (2) (c) of the statutes is amended to read:

12 946.44 (2) (c) “Institution” includes a secured correctional facility, as defined
13 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
14 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
15 institution, as defined in s. 938.02 (19r).

16 **SECTION 3194.** 946.44 (2) (d) of the statutes is amended to read:

17 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the
18 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
19 correctional facility ~~or, a~~ secured child caring institution or a secured group home
20 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
21 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
22 48.366.

23 **SECTION 3195.** 946.45 (2) (c) of the statutes is amended to read:

24 946.45 (2) (c) “Institution” includes a secured correctional facility, as defined
25 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),

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1 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
2 institution, as defined in s. 938.02 (19r).

3 **SECTION 3196.** 946.45 (2) (d) of the statutes is amended to read:

4 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
5 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
6 correctional facility ~~or, a~~ secured child caring institution or a secured group home
7 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) or, who is placed in a Type 2
8 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
9 48.366.

10 **SECTION 3197.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

11 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
12 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
13 39.51 (9) (f), (g) ~~or (h)~~ (1) (e) 6., 7. or 8.; and

14 **SECTION 3198.** 949.08 (2) (g) of the statutes is repealed and recreated to read:

15 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
16 (2) (b), unless the victim provides to the department a payment agreement that has
17 been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 **SECTION 3199.** 950.06 (2) of the statutes is amended to read:

20 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
21 the county, but the county is eligible to receive reimbursement from the state for not
22 more than 90% of the costs incurred in providing those services. The department
23 shall determine the level of services for which a county may be reimbursed. The
24 county board shall file a claim for reimbursement with the department. The
25 department shall reimburse counties under this subsection from the appropriation

SENATE BILL 45**SECTION 3199**

1 under s. 20.455 (5) (gc), (k), (kk), (kp) and (mh) and, on a semiannual basis, from the
2 appropriations under s. 20.455 (5) (c) and (g).

3 **SECTION 3200.** 950.06 (5) of the statutes is amended to read:

4 950.06 (5) The department shall review and approve the implementation and
5 operation of programs and the annual reports under this section. The department
6 may suspend or terminate reimbursement under ~~s. 20.455 (5) (c) and (g) sub. (2)~~ if
7 the county fails to comply with its duties under this section. The department shall
8 promulgate rules under ch. 227 for implementing and administering county
9 programs approved under this section.

10 **SECTION 3201.** 968.255 (7) (b) of the statutes is amended to read:

11 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
12 defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02
13 (15g), or a secured group home, as defined in s. 938.02 (15p).

14 **SECTION 3202.** 973.013 (3m) of the statutes is amended to read:

15 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
16 to the Wisconsin state prisons, the department of corrections shall place the person
17 at a secured juvenile correctional facility ~~or~~, a secured child caring institution or a
18 secured group home, unless the department of corrections determines that
19 placement in an institution under s. 302.01 is appropriate based on the person's prior
20 record of adjustment in a correctional setting, if any; the person's present and
21 potential vocational and educational needs, interests and abilities; the adequacy and
22 suitability of available facilities; the services and procedures available for treatment
23 of the person within the various institutions; the protection of the public; and any
24 other considerations promulgated by the department of corrections by rule. This
25 subsection does not preclude the department of corrections from designating an

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1 adult correctional institution as a reception center for the person and subsequently
2 transferring the person to a secured juvenile correctional facility ~~or~~, a secured child
3 caring institution or a secured group home. Section 302.11 and ch. 304 apply to all
4 persons placed in a secured juvenile correctional facility ~~or~~, a secured child caring
5 institution or a secured group home under this subsection.

6 **SECTION 3203.** 973.05 (1) of the statutes is amended to read:

7 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
8 permission for the payment of the fine, of the penalty assessment imposed by s.
9 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and
10 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
12 analysis surcharge under s. 973.046, any applicable drug abuse program
13 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
14 information assessment imposed by s. 100.261, any applicable domestic abuse
15 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
16 improvement surcharge imposed by s. 346.655, any applicable enforcement
17 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
18 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
19 any applicable environmental assessment imposed by s. 299.93, any applicable wild
20 animal protection assessment imposed by s. 29.983, any applicable natural resources
21 assessment imposed by s. 29.987 and any applicable natural resources restitution
22 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
23 no such permission is embodied in the sentence, the fine, the penalty assessment, the
24 jail assessment, the crime victim and witness assistance surcharge, the crime
25 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic

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1 acid analysis surcharge, any applicable drug abuse program improvement
2 surcharge, any applicable consumer information assessment, any applicable
3 domestic abuse assessment, any applicable driver improvement surcharge, any
4 applicable enforcement assessment, any applicable weapons assessment, any
5 applicable uninsured employer assessment, any applicable environmental
6 assessment, any applicable wild animal protection assessment, any applicable
7 natural resources assessment and any applicable natural resources restitution
8 payment shall be payable immediately.

9 **SECTION 3204.** 973.05 (2) of the statutes is amended to read:

10 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
11 probation, the court may make the payment of the fine, the penalty assessment, the
12 jail assessment, the crime victim and witness assistance surcharge, the crime
13 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
14 acid analysis surcharge, any applicable drug abuse program improvement
15 surcharge, any applicable consumer information assessment, any applicable
16 domestic abuse assessment, any applicable uninsured employer assessment, any
17 applicable driver improvement surcharge, any applicable enforcement assessment
18 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable
19 environmental assessment, any applicable wild animal protection assessment, any
20 applicable natural resources assessment and any applicable natural resources
21 restitution payments a condition of probation. When the payments are made a
22 condition of probation by the court, payments thereon shall be applied first to
23 payment of the penalty assessment until paid in full, shall then be applied to the
24 payment of the jail assessment until paid in full, shall then be applied to the payment
25 of part A of the crime victim and witness assistance surcharge until paid in full, shall

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1 then be applied to part B of the crime victim and witness assistance surcharge until
2 paid in full, shall then be applied to the crime laboratories and drug law enforcement
3 assessment until paid in full, shall then be applied to the deoxyribonucleic acid
4 analysis surcharge until paid in full, shall then be applied to the drug abuse
5 improvement surcharge until paid in full, shall then be applied to payment of the
6 driver improvement surcharge until paid in full, shall then be applied to payment
7 of the domestic abuse assessment until paid in full, shall then be applied to payment
8 of the consumer information assessment until paid in full, shall then be applied to
9 payment of the natural resources assessment if applicable until paid in full, shall
10 then be applied to payment of the natural resources restitution payment until paid
11 in full, shall then be applied to the payment of the environmental assessment if
12 applicable until paid in full, shall then be applied to the payment of the wild animal
13 protection assessment if applicable until paid in full, shall then be applied to
14 payment of the weapons assessment until paid in full, shall then be applied to
15 payment of the uninsured employer assessment until paid in full, shall then be
16 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
17 applicable, until paid in full and shall then be applied to payment of the fine.

18 **SECTION 3205.** 973.07 of the statutes is amended to read:

19 **973.07 Failure to pay fine or costs or to comply with certain**
20 **community service work.** If the fine, costs, penalty assessment, jail assessment,
21 crime victim and witness assistance surcharge, crime laboratories and drug law
22 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
23 applicable drug abuse program improvement surcharge, applicable consumer
24 information assessment, applicable domestic abuse assessment, applicable driver
25 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),

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1 applicable weapons assessment, applicable uninsured employer assessment,
2 applicable environmental assessment, applicable wild animal protection
3 assessment, applicable natural resources assessment and applicable natural
4 resources restitution payments are not paid or community service work under s.
5 943.017 (3) is not completed as required by the sentence, the defendant may be
6 committed to the county jail until the fine, costs, penalty assessment, jail
7 assessment, crime victim and witness assistance surcharge, crime laboratories and
8 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
9 surcharge, applicable drug abuse program improvement surcharge, applicable
10 consumer information assessment, applicable domestic abuse assessment,
11 applicable driver improvement surcharge, applicable enforcement assessment
12 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured
13 employer assessment, applicable environmental assessment, applicable wild animal
14 protection assessment, applicable natural resources assessment or applicable
15 natural resources restitution payments are paid or discharged, or the community
16 service work under s. 943.017 (3) is completed, for a period fixed by the court not to
17 exceed 6 months.

18 **SECTION 3206.** 977.08 (5) (b) (intro.) of the statutes is amended to read:

19 977.08 (5) (b) (intro.) Except as provided in ~~par.~~ pars. (bn) and (br), any of the
20 following constitutes an annual caseload standard for an assistant state public
21 defender in the subunit responsible for trials:

22 **SECTION 3207.** 977.08 (5) (br) of the statutes is created to read:

23 977.08 (5) (br) Beginning on July 1, 2000, the state public defender may exempt
24 up to 10 full-time assistant state public defenders in the subunit responsible for

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1 trials from the annual caseload standards under par. (b) based on their need to
2 perform other assigned duties.

3 **SECTION 3208.** 978.03 (3) of the statutes is amended to read:

4 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
5 an attorney admitted to practice law in this state and, except as provided in s.
6 978.043, may perform any duty required by law to be performed by the district
7 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
8 may appoint such temporary counsel as may be authorized by the department of
9 administration.

10 **SECTION 3209.** 978.04 of the statutes is amended to read:

11 **978.04 Assistants in certain prosecutorial units.** The district attorney of
12 any prosecutorial unit having a population of less than 100,000 may appoint one or
13 more assistant district attorneys as necessary to carry out the duties of his or her
14 office and as may be requested by the department of administration authorized in
15 accordance with s. 16.505. Any such assistant district attorney must be an attorney
16 admitted to practice law in this state and, except as provided in s. 978.043, may
17 perform any duty required by law to be performed by the district attorney.

18 **SECTION 3210.** 978.043 of the statutes is created to read:

19 **978.043 Assistants for prosecution of sexually violent person**
20 **commitment cases.** The district attorney of the prosecutorial unit that consists of
21 Brown County and the district attorney of the prosecutorial unit that consists of
22 Milwaukee County shall each assign one assistant district attorney in his or her
23 prosecutorial unit to be a sexually violent person commitment prosecutor. An
24 assistant district attorney assigned under this section to be a sexually violent person
25 commitment prosecutor may engage only in the prosecution of sexually violent

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1 person commitment proceedings under ch. 980 and, at the request of the district
2 attorney of the prosecutorial unit, may file and prosecute sexually violent person
3 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

4 **SECTION 3211.** 978.05 (8) (b) of the statutes is amended to read:

5 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
6 978.043, make appropriate assignments of the staff throughout the prosecutorial
7 unit. The district attorney may request the assistance of district attorneys, deputy
8 district attorneys or assistant district attorneys from other prosecutorial units or
9 assistant attorneys general who then may appear and assist in the investigation and
10 prosecution of any matter for which a district attorney is responsible under this
11 chapter in like manner as assistants in the prosecutorial unit and with the same
12 authority as the district attorney in the unit in which the action is brought. Nothing
13 in this paragraph limits the authority of counties to regulate the hiring, employment
14 and supervision of county employees.

15 **SECTION 3212.** 978.13 (1) (b) of the statutes is amended to read:

16 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
17 and fringe benefit costs of 2 clerk positions providing clerical services to the
18 prosecutors in the district attorney's office handling cases involving felony violations
19 under ch. 961. The state treasurer shall pay the amount authorized under this
20 paragraph to the county treasurer pursuant to a voucher submitted by the district
21 attorney to the department of administration from the appropriation under s. 20.475
22 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in
23 the ~~1997-98~~ 1999-2000 fiscal year and ~~\$73,000~~ \$77,500 in the ~~1998-99~~ 2000-01
24 fiscal year.

25 **SECTION 3213.** 978.13 (1) (c) of the statutes is amended to read:

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1 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
2 fringe benefit costs of clerk positions in the district attorney's office necessary for the
3 prosecution of violent crime cases primarily involving felony violations under s.
4 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
5 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
6 pay the amount authorized under this paragraph to the county treasurer pursuant
7 to a voucher submitted by the district attorney to the secretary of administration
8 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
9 may not exceed ~~\$88,500~~ \$94,400 in the ~~1997-98~~ 1999-2000 fiscal year and ~~\$91,600~~
10 \$97,200 in the ~~1998-99~~ 2000-01 fiscal year.

11 **SECTION 3214.** 980.01 (1) of the statutes is renumbered 980.01 (1s).

12 **SECTION 3215.** 980.01 (1L) and (1m) of the statutes are created to read:

13 980.01 (1L) "Daily cost of institutional care" means the daily cost of programs
14 and facilities for the control, care and treatment of a person placed at a secure mental
15 health unit or facility specified in s. 980.065.

16 (1m) "Daily cost of supervised release" means the daily cost of providing for all
17 necessary programs and facilities for the control, care and treatment of a person on
18 supervised release under this chapter.

19 **SECTION 3216.** 980.015 (2) (b) of the statutes is amended to read:

20 980.015 (2) (b) The anticipated release from a secured correctional facility, as
21 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
22 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated
23 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

24 **SECTION 3217.** 980.02 (1) (b) 2. of the statutes is amended to read:

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1 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
2 his or her discharge from a sentence, release on parole or extended supervision, or
3 release from imprisonment, from a secured correctional facility, as defined in s.
4 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
5 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

6 **SECTION 3218.** 980.02 (2) (ag) of the statutes is amended to read:

7 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,
8 extended supervision or otherwise, from a sentence that was imposed for a conviction
9 for a sexually violent offense, from a secured correctional facility, as defined in s.
10 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
11 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed
12 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the
13 basis of a sexually violent offense or from a commitment order that was entered as
14 a result of a sexually violent offense.

15 **SECTION 3219.** 980.02 (4) (am) of the statutes is amended to read:

16 980.02 (4) (am) The circuit court for the county in which the person will reside
17 or be placed upon his or her discharge from a sentence, release on parole or extended
18 supervision, or release from imprisonment, from a secured correctional facility, as
19 defined in s. 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in
20 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a
21 commitment order.

22 **SECTION 3220.** 980.02 (4) (b) of the statutes is amended to read:

23 980.02 (4) (b) The circuit court for the county in which the person is in custody
24 under a sentence, a placement to a secured correctional facility, as defined in s.

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1 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or
2 a secured group home, as defined in s. 938.02 (15p), or a commitment order.

3 **SECTION 3221.** 980.03 (4) of the statutes is amended to read:

4 980.03 (4) Whenever ~~the~~ a person who is the subject of ~~the~~ a petition filed under
5 s. 980.02 or who has been committed under s. 980.06 is required to submit to an
6 examination under this chapter, he or she may retain experts or professional persons
7 to perform an examination. If the person retains a qualified expert or professional
8 person of his or her own choice to conduct an examination, the examiner shall have
9 reasonable access to the person for the purpose of the examination, as well as to the
10 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient
11 health care records as provided under s. 146.82 (2) (c). If the person is indigent, the
12 court shall, upon the person's request, appoint a qualified and available expert or
13 professional person to perform an examination and participate in the trial or other
14 proceeding on the person's behalf. Upon the order of the circuit court, the county
15 shall pay, as part of the costs of the action, the costs of ~~a court-appointed~~ an expert
16 or professional person appointed by a court under this subsection to perform an
17 examination and participate in the trial or other proceeding on behalf of an indigent
18 person. An expert or professional person appointed to assist an indigent person who
19 is subject to a petition may not be subject to any order by the court for the
20 sequestration of witnesses at any proceeding under this chapter.

21 **SECTION 3222.** 980.04 (1) of the statutes is amended to read:

22 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
23 the petition to determine whether to issue an order for detention of the person who
24 is the subject of the petition. The person shall be detained only if there is cause to
25 believe that the person is eligible for commitment under s. 980.05 (5). A person

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1 detained under this subsection shall be held in a facility approved by the department.
2 If the person is serving a sentence of imprisonment, is in a secured correctional
3 facility, as defined in s. 938.02 (15m), ~~or a secured child caring institution, as defined~~
4 ~~in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),~~ or is
5 committed to institutional care, and the court orders detention under this
6 subsection, the court shall order that the person be transferred to a detention facility
7 approved by the department. A detention order under this subsection remains in
8 effect until the person is discharged after a trial under s. 980.05 or until the effective
9 date of a commitment order under s. 980.06, whichever is applicable.

10 **SECTION 3223.** 980.06 (2) (a) of the statutes is amended to read:

11 980.06 (2) (a) The court shall enter an initial commitment order under this
12 section pursuant to a hearing held as soon as practicable after the judgment that the
13 person who is the subject of a petition under s. 980.02 is a sexually violent person is
14 entered. If the court lacks sufficient information to make the determination required
15 by par. (b) immediately after trial, it may adjourn the hearing and order the
16 department to ~~conduct~~ submit a written report as to whether the criterion under par.
17 (b) for institutional care is met. For purposes of preparing the report the department
18 shall conduct a predisposition investigation using the procedure in s. 972.15 or a
19 supplementary mental examination, ~~or both, to assist the court in framing the~~
20 ~~commitment order. A supplementary mental examination under this paragraph~~
21 ~~shall be conducted in accordance with s. 971.17 (2) (b) to (f), or both, and may conduct~~
22 any other investigation or inquiry that it considers appropriate to make the
23 determinations required in the report. The report shall be based on the results of any
24 predisposition investigation, supplementary mental examination and other
25 investigation or inquiry conducted by the department.

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1 **SECTION 3224.** 980.06 (2) (b) of the statutes is amended to read:

2 980.06 (2) (b) An order for commitment under this section shall specify either
3 institutional care or supervised release. Except as provided in par. (bt), the court
4 shall order institutional care if it finds that it is substantially probable that the
5 person will engage in acts of sexual violence unless the person resides in a facility
6 with a level of security comparable to that of a secure mental health unit or facility
7 specified in s. 980.065.

8 (bm) In determining under par. (b) whether commitment shall be for
9 institutional care or for supervised release, the court may consider, without
10 limitation because of enumeration, the nature and circumstances of the behavior
11 that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's
12 mental history and present mental condition, where the person will live, how the
13 person will support himself or herself, and what arrangements are available to
14 ensure that the person has access to and will participate in necessary treatment,
15 including pharmacological treatment using an antiandrogen or the chemical
16 equivalent of an antiandrogen if the person is a serious child sex offender. In deciding
17 whether to order supervised release of person who is a serious child sex offender, the
18 court may not consider, as a factor in making its decision, that the person is a proper
19 subject for pharmacological treatment using an antiandrogen or the chemical
20 equivalent of an antiandrogen or that the person is willing to participate in
21 pharmacological treatment using an antiandrogen or the chemical equivalent of an
22 antiandrogen. ~~The department shall arrange for control, care and treatment of the~~
23 ~~person in the least restrictive manner consistent with the requirements of the person~~
24 ~~and in accordance with the court's commitment order.~~

25 **SECTION 3225.** 980.06 (2) (bt) of the statutes is created to read:

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1 980.06 (2) (bt) If a court determines under par. (b) that it is substantially
2 probable that the person will engage in acts of sexual violence unless he or she
3 resides in a facility with a level of security comparable to that of a secure mental
4 health unit or facility specified in s. 980.065, but the person establishes that it is
5 likely that the daily cost of supervised release under a plan providing for the person
6 to reside in a secure facility would not exceed the daily cost of institutional care for
7 the person, then the court may withhold final determination of the commitment
8 order and order the department to prepare a supervised release plan under par. (c).
9 After preparation of a supervised release plan ordered under this paragraph, the
10 proceedings shall continue as provided under pars. (cm), (cr), (cs) and (ct), as
11 appropriate.

12 **SECTION 3226.** 980.06 (2) (c) of the statutes is amended to read:

13 980.06 (2) (c) If the court finds under par. (b) that the person is appropriate for
14 supervised release or orders preparation of a supervised release plan under par. (bt),
15 the court shall notify the department. The department and the county department
16 under s. 51.42 in the county of residence of the person, as determined under s.
17 980.105, shall prepare a plan that identifies the treatment and services, if any, that
18 the person will receive in the community. If the county department of the person's
19 county of residence declines to prepare a plan, the department may arrange for
20 another county to prepare the plan if that county agrees to prepare the plan and if
21 the person will be living in that county. If the department is unable to arrange for
22 another county to prepare a plan, the court shall designate a county department to
23 prepare the plan, order the county department to prepare the plan and place the
24 person on supervised release in that county, except that the court may not so
25 designate the county department in any county where there is a facility in which

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1 persons committed to institutional care under this chapter are placed, unless that
2 county is also the person's county of residence.

3 (cg) The plan prepared under par. (c) shall address the person's need, if any, for
4 supervision, counseling, medication, community support services, residential
5 services, vocational services, and alcohol or other drug abuse treatment. If the
6 person is a serious child sex offender, the plan shall address the person's need for
7 pharmacological treatment using an antiandrogen or the chemical equivalent of an
8 antiandrogen. ~~The department may contract with a county department, under s.~~
9 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~
10 ~~the treatment and services identified in the plan.~~ The plan shall specify who will be
11 responsible for providing the treatment and services identified in the plan. If the
12 plan was ordered to be prepared under par. (bt), the plan shall include information
13 concerning the daily cost of supervised release under the plan and the daily cost of
14 institutional care for the person.

15 (cm) 2. The plan prepared under par. (c) shall be presented to the court for its
16 approval within 21 days after the court ~~finding~~ finds that the person is appropriate
17 for supervised release under par. (b) or orders preparation of the plan under par. (bt),
18 unless the department, county department and person to be released request
19 additional time to develop the plan. ~~If the county department of the person's county~~
20 ~~of residence declines to prepare a plan, the department may arrange for another~~
21 ~~county to prepare the plan if that county agrees to prepare the plan and if the person~~
22 ~~will be living in that county. If the department is unable to arrange for another~~
23 ~~county to prepare a plan, the court shall designate a county department to prepare~~
24 ~~the plan, order the county department to prepare the plan and place the person on~~
25 ~~supervised release in that county, except that the court may not so designate the~~

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1 ~~county department in any county where there is a facility in which persons are~~
2 ~~detained or evaluated under s. 980.04 or in which persons committed to institutional~~
3 ~~care under this chapter are placed, unless that county is also the person's county of~~
4 ~~residence. The court shall hold a hearing on the plan within 30 days after the plan~~
5 ~~is presented to the court, unless the department, county department and person to~~
6 ~~be released agree to a later hearing date. At least 10 days before the hearing under~~
7 ~~this subdivision, the court shall give written notice of the hearing to the person to be~~
8 ~~released, the district attorney or department of justice, whichever is applicable, the~~
9 ~~department, the county department that prepared the plan, the chief executive~~
10 ~~officer of the county in which the person would reside under the plan and the chief~~
11 ~~executive officer of the city, village or town in which the person would reside under~~
12 ~~the plan. The person, the district attorney or the attorney general, whichever is~~
13 ~~applicable, and any chief executive officer who receives notice of the hearing, or the~~
14 ~~chief executive officer's designee, may present evidence at the hearing. The county~~
15 ~~department that prepared the plan and the department may, and upon request of the~~
16 ~~court shall, present evidence at the hearing.~~

17 **SECTION 3227.** 980.06 (2) (cm) 1. of the statutes is created to read:

18 980.06 (2) (cm) 1. In this paragraph, "chief executive officer" means a mayor,
19 city manager, village president, town chairperson, county executive or chairperson
20 of the county board of supervisors.

21 **SECTION 3228.** 980.06 (2) (cr), (cs), (ct), (cu) and (cv) of the statutes are created
22 to read:

23 980.06 (2) (cr) Based on the provisions of the plan and on the evidence
24 presented at the hearing under par. (cm) 2., the court shall determine whether the
25 plan provides adequate treatment and services to the person and adequate

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1 protection to the community. If the court finds that the plan does not provide
2 adequate treatment and services to the person or adequate protection to the
3 community, the court shall issue a written decision and order disapproving the plan
4 and shall proceed under par. (cs). If the court finds that the plan provides either
5 adequate treatment and services to the person or adequate protection to the
6 community, the court shall, except as provided in par. (ct), issue a written decision
7 and order approving the plan and placing the person on supervised release in the
8 county that prepared the plan.

9 (cs) If the court disapproves a supervised release plan under par. (cr), it shall
10 order the department and the county department that prepared the plan to revise
11 the plan and present it to the court by a date specified by the court. The court shall
12 hold a hearing on the revised plan and make a determination as to whether to
13 approve or disapprove the plan as provided under pars. (cm) 2. and (cr).

14 (ct) If a supervised release plan that satisfies the criteria under par. (cr) was
15 ordered to be prepared under par. (bt), the court may approve the plan and order the
16 person placed on supervised release under par. (cr) only if, based on the provisions
17 of the plan and on the evidence presented at the hearing under par. (cm) 2., the court
18 determines that the daily cost of supervised release would not exceed the daily cost
19 of institutional care. If the daily cost of supervised release would exceed the daily
20 cost of institutional care, the court shall disapprove the supervised release plan and
21 order the person to be placed in institutional care. The court may not order a
22 supervised released plan disapproved under this paragraph to be revised under par.
23 (cs).

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1 (cu) If the court approves a supervised release plan under par. (cr), the court
2 shall send a copy of its decision and order approving the plan to the chief executive
3 officers who received notice of the hearing on the plan under par. (cm) 2.

4 (cv) The county department that prepared the plan and the department shall
5 implement a plan approved by the court under par. (cr). In implementing the plan,
6 the department may contract with a county department, under s. 51.42 (3) (aw) 1.
7 d., with another public agency or with a private agency to provide the treatment and
8 services identified in the plan. The department may request the court to make such
9 orders as are necessary to ensure implementation of the plan.

10 **SECTION 3229.** 980.06 (2) (d) of the statutes is amended to read:

11 980.06 (2) (d) An order for supervised release places the person in the custody
12 and control of the department. The department shall arrange for control, care and
13 treatment of the person in the least restrictive manner consistent with the
14 requirements of the person and in accordance with the plan for supervised release
15 approved by the court under par. (cr) or s. 980.08 (5) (d), whichever is applicable. A
16 person on supervised release is subject to the conditions set by the court and to the
17 rules of the department. Before a person is placed on supervised release by the court
18 under this section, the court shall so notify the municipal police department and
19 county sheriff for the municipality and county in which the person will be residing.
20 The notification requirement under this paragraph does not apply if a municipal
21 police department or county sheriff submits to the court a written statement waiving
22 the right to be notified. If the department alleges that a released person has violated
23 any condition or rule, or that the safety of others requires that supervised release be
24 revoked, he or she may be taken into custody under the rules of the department. The
25 department shall submit a statement showing probable cause of the detention and

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1 a petition to revoke the order for supervised release to the committing court and the
2 regional office of the state public defender responsible for handling cases in the
3 county where the committing court is located within 48 hours after the detention.
4 The court shall hear the petition within 30 days, unless the hearing or time deadline
5 is waived by the detained person. Pending the revocation hearing, the department
6 may detain the person in a jail or in a hospital, center or facility specified by s. 51.15
7 (2). The state has the burden of proving by clear and convincing evidence that any
8 rule or condition of release has been violated, or that the safety of others requires that
9 supervised release be revoked. If the court determines after hearing that any rule
10 or condition of release has been violated, or that the safety of others requires that
11 supervised release be revoked, it may revoke the order for supervised release and
12 order that the released person be placed in an appropriate institution until the
13 person is discharged from the commitment under s. 980.09 or until again placed on
14 supervised release under s. 980.08.

15 **SECTION 3230.** 980.065 (1m) of the statutes is amended to read:

16 980.065 (1m) The department ~~may~~ shall place a person committed to
17 institutional care under s. 980.06 (2) (b) or (ct) at ~~a mental health unit or facility,~~
18 ~~including a~~ the secure mental health unit ~~or facility at~~ established under s. 46.055,
19 the Wisconsin resource center established under s. 46.056 or a secure mental health
20 unit or facility provided by the department of corrections under sub. (2).

21 **SECTION 3231.** 980.065 (2) of the statutes is amended to read:

22 980.065 (2) The department may contract with the department of corrections
23 for the provision of a secure mental health unit or facility for persons committed to
24 institutional care under s. 980.06 (2) (b) or (ct). The department shall operate a
25 secure mental health unit or facility provided by the department of corrections under

SENATE BILL 45**SECTION 3231**

1 this subsection and shall promulgate rules governing the custody and discipline of
2 persons placed by the department in the secure mental health unit or facility
3 provided by the department of corrections under this subsection.

4 **SECTION 3232.** 980.07 (1) of the statutes is amended to read:

5 980.07 (1) If a person has been committed under s. 980.06 and has not been
6 discharged under s. 980.09, the department shall conduct an examination of his or
7 her mental condition within 6 months after an initial commitment under s. 980.06
8 and again thereafter at least once each 12 months for the purpose of determining
9 whether the person has made sufficient progress ~~to be entitled to transfer to a less~~
10 ~~restrictive facility, to~~ for the court to consider whether the person should be placed
11 on supervised release or to discharge discharged. At the time of a reexamination
12 under this section, the person who has been committed may retain or, ~~if he or she is~~
13 ~~indigent and so requests,~~ seek to have the court may appoint a ~~qualified expert or a~~
14 ~~professional person to examine him or her~~ an examiner as provided under s. 980.03
15 (4).

16 **SECTION 3233.** 980.08 (3) of the statutes is amended to read:

17 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
18 one or more examiners having the specialized knowledge determined by the court to
19 be appropriate, who shall examine the person and furnish a written report of the
20 examination to the court within 30 days after appointment. The examiners shall
21 have reasonable access to the person for purposes of examination and to the person's
22 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
23 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that
24 the person is appropriate for supervised release under the criterion specified in sub.
25 (4) (a), the examiner shall report on the type of treatment and services that the

SENATE BILL 45**SECTION 3233**

1 person may need while in the community on supervised release. The county shall
2 pay the costs of an examiner appointed under this subsection as provided under s.
3 51.20 (18) (a).

4 **SECTION 3234.** 980.08 (4) of the statutes is renumbered 980.08 (4) (a) and
5 amended to read:

6 980.08 (4) (a) The court, without a jury, shall hear the petition within 30 days
7 after the report of the court-appointed examiner is filed with the court, unless the
8 petitioner waives this time limit. Expenses of proceedings under this subsection
9 shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall grant the
10 petition unless the state proves by clear and convincing evidence that the person is
11 still a sexually violent persons and that it is still substantially probable that the
12 person will engage in acts of sexual violence if the person is ~~not continued in~~
13 ~~institutional care~~ does not reside in a facility with a level of security comparable to
14 a secure mental health unit or facility under s. 980.065.

15 (b) In making a decision under this subsection par. (a), the court may consider,
16 without limitation because of enumeration, the nature and circumstances of the
17 behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a),
18 the person's mental history and present mental condition, where the person will live,
19 how the person will support himself or herself and what arrangements are available
20 to ensure that the person has access to and will participate in necessary treatment,
21 including pharmacological treatment using an antiandrogen or the chemical
22 equivalent of an antiandrogen if the person is a serious child sex offender. A decision
23 under this subsection paragraph on a petition filed by a person who is a serious child
24 sex offender may not be made based on the fact that the person is a proper subject
25 for pharmacological treatment using an antiandrogen or the chemical equivalent of

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1 an antiandrogen or on the fact that the person is willing to participate in
2 pharmacological treatment using an antiandrogen or the chemical equivalent of an
3 antiandrogen.

4 **SECTION 3235.** 980.08 (4) (c) of the statutes is created to read:

5 980.08 (4) (c) If a court determines under par. (a) that the person is still a
6 sexually violent person and that it is substantially probable that the person will
7 engage in acts of sexual violence unless he or she resides in a facility with a level of
8 security comparable to that of a secure mental health unit or facility specified in s.
9 980.065, but the person establishes that it is likely that the daily cost of supervised
10 release under a plan providing for the person to reside in a secure facility would not
11 exceed the daily cost of institutional care for the person, then the court may withhold
12 final determination of the person's petition and order the department to prepare a
13 supervised release plan under sub. (5) (a). After preparation of a supervised release
14 plan ordered under this paragraph, the proceedings shall continue as provided under
15 sub. (5) (c), (d), (de) and (dm), as appropriate.

16 **SECTION 3236.** 980.08 (5) of the statutes is renumbered 980.08 (5) (a) and
17 amended to read:

18 980.08 (5) (a) If the court finds under sub. (4) (a) that the person is appropriate
19 for supervised release or orders preparation of a supervised release plan under sub.
20 (4) (c), the court shall notify the department. The department and the county
21 department under s. 51.42 in the county of residence of the person, as determined
22 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
23 any, that the person will receive in the community. If the county department of the
24 person's county of residence declines to prepare a plan, the department may arrange
25 for another county to prepare the plan if that county agrees to prepare the plan and

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1 if the person will be living in that county. If the department is unable to arrange for
2 another county to prepare a plan, the court shall designate a county department to
3 prepare the plan, order the county department to prepare the plan and place the
4 person on supervised release in that county, except that the court may not so
5 designate the county department in any county where there is a facility in which
6 persons committed to institutional care under this chapter are placed, unless that
7 county is also the person's county of residence.

8 (b) The plan prepared under par. (a) shall address the person's need, if any, for
9 supervision, counseling, medication, community support services, residential
10 services, vocational services, and alcohol or other drug abuse treatment. If the
11 person is a serious child sex offender, the plan shall address the person's need for
12 pharmacological treatment using an antiandrogen or the chemical equivalent of an
13 antiandrogen. ~~The department may contract with a county department, under s.~~
14 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~
15 ~~the treatment and services identified in the plan. The plan shall specify who will be~~
16 ~~responsible for providing the treatment and services identified in the plan. If the~~
17 ~~plan was ordered to be prepared under sub. (4) (c), the plan shall include information~~
18 ~~concerning the daily cost of supervised release under the plan and the daily cost of~~
19 ~~institutional care for the person.~~

20 (c) 2. The plan prepared under par. (a) shall be presented to the court for its
21 approval within 60 days after the court finding finds that the person is appropriate
22 for supervised release under sub. (4) (a) or orders preparation of the plan under sub.
23 (4) (c), unless the department, county department and person to be released request
24 additional time to develop the plan. If the county department of the person's county
25 of residence declines to prepare a plan, the department may arrange for another

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1 county to prepare the plan if that county agrees to prepare the plan and if the person
2 will be living in that county. If the department is unable to arrange for another
3 county to prepare a plan, the court shall designate a county department to prepare
4 the plan, order the county department to prepare the plan and place the person on
5 supervised release in that county, except that the court may not so designate the
6 county department in any county where there is a facility in which persons
7 committed to institutional care under this chapter are placed unless that county is
8 also the person's county of residence. The court shall hold a hearing on the plan
9 within 30 days after the plan is presented to the court, unless the department, county
10 department and person to be released agree to a later hearing date. At least 10 days
11 before the hearing under this subdivision, the court shall give written notice of the
12 hearing to the person to be released, the district attorney or department of justice,
13 whichever is applicable, the department, the county department that prepared the
14 plan, the chief executive officer of the county in which the person would reside under
15 the plan and the chief executive officer of the city, village or town in which the person
16 would reside under the plan. The person, the district attorney or the attorney
17 general, whichever is applicable, and any chief executive officer who receives notice
18 of the hearing, or the chief executive officer's designee, may present evidence at the
19 hearing. The county department that prepared the plan and the department may,
20 and upon request of the court shall, present evidence at the hearing.

21 **SECTION 3237.** 980.08 (5) (c) 1. of the statutes is created to read:

22 980.08 (5) (c) 1. In this paragraph, "chief executive officer" means a mayor, city
23 manager, village president, town chairperson, county executive or chairperson of the
24 county board of supervisors.

SENATE BILL 45**SECTION 3238**

1 **SECTION 3238.** 980.08 (5) (d), (de), (dm), (ds) and (e) of the statutes are created
2 to read:

3 980.08 **(5)** (d) Based on the provisions of the plan and on the evidence presented
4 at the hearing under par. (c) 2., the court shall determine whether the plan provides
5 adequate treatment and services to the person and adequate protection to the
6 community. If the court finds that the plan does not provide either adequate
7 treatment and services to the person or adequate protection to the community, the
8 court shall issue a written decision and order disapproving the plan and shall
9 proceed under par. (de). If the court finds that the plan provides adequate treatment
10 and services to the person and adequate protection to the community, the court shall,
11 except as provided in par. (dm), issue a written decision and order approving the plan
12 and placing the person on supervised release in the county that prepared the plan.

13 (de) If the court disapproves a supervised release plan under par. (d), it shall
14 order the department and the county department that prepared the plan to revise
15 the plan and present it to the court by a date specified by the court. The court shall
16 hold a hearing on the revised plan and make a determination as to whether to
17 approve or disapprove the plan as provided under pars. (c) 2. and (d).

18 (dm) If a supervised release plan that satisfies the criteria under par. (d) was
19 ordered to be prepared under sub. (4) (c), the court may approve the plan and order
20 the person placed on supervised release under par. (d) only if, based on the provisions
21 of the plan and on the evidence presented at the hearing under par. (c) 2., the court
22 determines that the daily cost of supervised release would not exceed the daily cost
23 of institutional care. If the daily cost of supervised release would exceed the daily
24 cost of institutional care, the court shall disapprove the supervised release plan and
25 deny the person's petition for supervised release. The court may not order a

SENATE BILL 45**SECTION 3238**

1 supervised released plan disapproved under this paragraph to be revised under par.
2 (de).

3 (ds) If the court approves a supervised release plan under par. (d), the court
4 shall send a copy of its decision and order approving the plan to the chief executive
5 officers who received notice of the hearing on the plan under par. (c) 2.

6 (e) The county department that prepared the plan and the department shall
7 implement a plan approved by the court under par. (d). In implementing the plan,
8 the department may contract with a county department, under s. 51.42 (3) (aw) 1.
9 d., with another public agency or with a private agency to provide the treatment and
10 services identified in the plan. The department may request the court to make such
11 orders as are necessary to ensure implementation of the plan.

12 **SECTION 3239.** 980.12 (1) of the statutes is amended to read:

13 980.12 (1) The Except as provided in ss. 980.03 (4) and 980.08 (3), the
14 department shall pay from the appropriations under s. 20.435 (2) (a) and (bm) for all
15 costs relating to the evaluation, treatment and care of persons evaluated or
16 committed under this chapter.

17 **SECTION 3240.** 985.01 (1) of the statutes is renumbered 985.01 (1m).

18 **SECTION 3241.** 985.01 (1g) of the statutes is created to read:

19 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and
20 includes a family care district board under s. 46.2895.

21 **SECTION 3242.** 985.01 (3) of the statutes is amended to read:

22 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) and “governing
23 body” ~~the meaning in s. 345.05 (1) (b) with reference to such municipality includes~~
24 a family care district under s. 46.2895.

25 **SECTION 3243.** 992.21 of the statutes is created to read:

SENATE BILL 45**SECTION 3243**

1 **992.21 Actions by division of savings and loan validated.** Any action
2 taken by the division of savings and loan between July 1, 1996, and the effective date
3 of this section [revisor inserts date], under the name of the division of savings
4 institutions has the same force and effect in all respects as if the action had been
5 taken under the name of the division of savings and loan.

6 **SECTION 3244.** Laws of 1929, chapter 151, section 1 is amended to read:

7 [Laws of 1929, chapter 151] Section 1. All the right, title and interest of the
8 state of Wisconsin in the lands hereinafter described, whether any part or parcel
9 thereof may be, at the time of the passage and publication of this act, dry or
10 submerged under the waters of Lake Michigan are hereby ceded, granted and
11 confirmed to the city of Milwaukee, a municipal corporation, for the purpose of
12 improving, filling, and utilizing the same for public park purposes or in aid of
13 navigation and the fisheries, in any manner the said city may deem expedient,~~and~~
14 ~~particularly for the purpose of.~~ Such land may also be used for the purpose of
15 establishing and maintaining thereon breakwaters, bulkheads, piers, wharves,
16 warehouses, transfer sheds, railway tracks, airports, and other harbor facilities,
17 together with such other uses not inconsistent with the improvement of navigation
18 and fisheries in Lake Michigan, and the navigable waters tributary thereto, as said
19 city may deem expedient.

20 **SECTION 3245.** Laws of 1929, chapter 151, section 3 is amended to read:

21 [Laws of 1929, chapter 151] Section 3. The said grantee, the city of Milwaukee,
22 shall not convey any portion or the whole of the lands so granted, ceded and
23 confirmed, and described in section 2 of this act, to any other party, either by
24 warranty deed, quit claim, or in any other manner, except that it may convey to the
25 government of the United States such portion thereof as may be desirable for the

SENATE BILL 45**SECTION 3245**

1 promotion of navigation; and it may also convey said lands to any harbor district or
2 other public corporation that may hereafter be organized, under any law of this state,
3 for public park purposes or for the purpose of maintaining and operating a public
4 port; and it may further lease for limited terms not exceeding thirty years, such
5 particular parcels or portions thereof as the board of harbor commissioners may
6 deem expedient, to parties desiring to employ such leased portions and parcels for
7 public park purposes or in the maintaining, operating or using of any harbor facilities
8 thereon.

9 **SECTION 3246.** Laws of 1929, chapter 151, section 4 is amended to read:

10 [Laws of 1929, chapter 151] Section 4. Whenever the said city of Milwaukee
11 shall convey or attempt to convey the whole or any portion of the lands hereby
12 granted, ceded or confirmed, to any other party except as herein provided, or shall
13 use said lands or any part thereof for purposes permanently inconsistent with their
14 use for public park purposes or for the promotion of navigation and the fisheries, such
15 land, or any part thereof so conveyed or attempted to be conveyed, or used
16 inconsistently as hereinabove stated, shall revert to the state of Wisconsin.

17 **SECTION 3247.** Laws of 1973, chapter 76, section 1 is amended to read:

18 [Laws of 1973, chapter 76] Section 1. All the right, title and interest of the state
19 of Wisconsin in the lands hereinafter described, whether any part or parcel thereof
20 may be, at the time of the passage and publication of this act, dry or submerged under
21 the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of
22 Milwaukee, a municipal corporation, for the purpose of improving, filling, and
23 utilizing the same for public park purposes or in aid of navigation and the fisheries
24 and in addition for such further and other use which the board of harbor
25 commissioners of the city of Milwaukee may deem appropriate and expedient and

SENATE BILL 45**SECTION 3247**

1 which the common council approves by resolution. Such land shall may also be used
2 for the purpose of establishing and maintaining thereon breakwaters, bulkheads,
3 piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other
4 harbor facilities, together with such other uses not inconsistent with the
5 improvement of navigation and fisheries in Lake Michigan, and the navigable
6 waters tributary thereto, as the city may deem expedient.

7 **SECTION 3248.** Laws of 1973, chapter 76, section 3 is amended to read:

8 [Laws of 1973, chapter 76] Section 3. The city of Milwaukee, shall not convey
9 any portion or the whole of the lands so granted, ceded and confirmed, and described
10 in SECTION 2 of this act, to any other party, either by warranty deed, quit claim, or
11 in any other manner, except that it may convey to the government of the United
12 States such portion thereof as may be desirable for the promotion of navigation; and
13 it may also convey lands to any harbor district or other public corporation that may
14 hereafter be organized, under any law of this state, for public park purposes or for
15 the purpose of maintaining and operating a public port; and it may further lease for
16 an initial term not exceeding 30 years, such particular parcels or portions thereof as
17 the board of harbor commissioners considers advisable, to parties desiring to employ
18 such leased portions and parcels for public park purposes or in a manner determined
19 by the board of harbor commissioners to be for the best interests of port and harbor
20 development.

21 **SECTION 3249.** 1995 Wisconsin Act 292, section 5 is repealed.

22 **SECTION 3250.** 1995 Wisconsin Act 292, section 12 is repealed.

23 **SECTION 3251.** 1995 Wisconsin Act 292, section 14 is repealed.

24 **SECTION 3252.** 1995 Wisconsin Act 292, section 16 is repealed.

25 **SECTION 3253.** 1995 Wisconsin Act 292, section 20 is repealed.

SENATE BILL 45**SECTION 3254**

1 **SECTION 3254.** 1995 Wisconsin Act 292, section 22 is repealed.

2 **SECTION 3255.** 1995 Wisconsin Act 292, section 24 is repealed.

3 **SECTION 3256.** 1995 Wisconsin Act 292, section 28 is repealed.

4 **SECTION 3257.** 1995 Wisconsin Act 292, section 30 is repealed.

5 **SECTION 3258.** 1995 Wisconsin Act 292, section 30h is repealed.

6 **SECTION 3259.** 1995 Wisconsin Act 292, section 32 is repealed.

7 **SECTION 3260.** 1995 Wisconsin Act 292, section 37 (1) is repealed.

8 **SECTION 3261.** 1997 Wisconsin Act 4, section 4 (1) (a), as last affected by 1997
9 Wisconsin Act 27, section 5510s, is amended to read:

10 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
11 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
12 until July 1, ~~1999~~ 2001, operate the juvenile secured correctional facility, as defined
13 in section 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27,
14 section 9126 (26v), as a state prison named in section 302.01 of the statutes, as
15 affected by this act, for the placement of prisoners, as defined in section 301.01 (2)
16 of the statutes, who are not more than 21 years of age and who are not violent
17 offenders, as determined by the department of corrections.

18 **SECTION 3262.** 1997 Wisconsin Act 27, section 9410 (5g) is amended to read:

19 [1997 Wisconsin Act 27] Section 9410 (5g) **ELIMINATION OF RECYCLING MARKET**
20 **DEVELOPMENT BOARD.** The treatment of sections 15.07 (1) (b) 19., 15.155 (2), ~~16.72 (7)~~
21 ~~(by SECTION 119d)~~, 20.143 (1) (L) (by SECTION 200d), (st) (by SECTION 204d) and (tm)
22 (by SECTION 205d), 20.923 (4) (a) 4q., 36.25 (30g), 560.031 (by SECTION 4338c), (2), (3)
23 and (4), 560.09 (5) and 560.65 (4) (a) and subchapter III of chapter 287 (by SECTION
24 3620m) of the statutes takes effect on June 30, 2001.

25 **SECTION 3263.** 1997 Wisconsin Act 84, section 168 (intro.) is amended to read:

SENATE BILL 45**SECTION 3263**

1 [1997 Wisconsin Act 84] Section 168. **Effective dates.** (intro.) This act takes
2 effect on the date stated in the notice published by the secretary of transportation
3 in the Wisconsin Administrative Register under section 85.515 of the statutes, as
4 created by this act, or on ~~the first day of the 25th month beginning after publication~~
5 May 1, 2001, whichever is earlier, except as follows:

6 **SECTION 3264.** 1997 Wisconsin Act 154, section 3 (1) is amended to read:

7 [1997 Wisconsin Act 154] Section 3 (1) STATEWIDE TRAUMA CARE SYSTEM; REPORT.
8 The department of health and family services and the statewide trauma advisory
9 council shall prepare a joint report on the development and implementation of a
10 statewide trauma care system. The report shall make recommendations on issues
11 that need to be resolved in developing and implementing the system, including
12 minimum services in rendering patient care; transport protocols; area trauma
13 advisory councils and plans; development of a method to classify hospitals as to their
14 respective emergency care capabilities and methods to make the resulting
15 information available for public use; improving the communications systems
16 between hospitals and prehospital elements of the trauma care system; development
17 of a statewide trauma registry, including a data system to measure the effectiveness
18 of trauma care and to develop ways to promote ongoing quality improvement; triage;
19 interfacility transfers; enhancing the training and education of health care
20 personnel involved in the provision of trauma care services; and monitoring
21 adherence to rules. Not later than January 1, ~~2000~~ 2001, the department and the
22 statewide trauma advisory council shall submit the report to the legislature in the
23 manner provided under section 13.172 (2) of the statutes, to the joint committee on
24 finance of the legislature as provided in subsection (2), to the governor and to the
25 emergency medical services board.

SENATE BILL 45**SECTION 3265**

1 **SECTION 3265.** 1997 Wisconsin Act 237, section 4x is repealed.

2 **SECTION 3266.** 1997 Wisconsin Act 237, section 48h is repealed.

3 **SECTION 3267.** 1997 Wisconsin Act 237, section 9101 (1z) (b), (c) (intro.), (d) 1.,
4 (g) (intro.) and (h) are amended to read:

5 [1997 Wisconsin Act 237] Section 9101 (1z) (b) *Purpose of grants.* From the
6 appropriation under section 20.505 (4) (1) (fm) of the statutes, ~~as created by this act,~~
7 ~~the national and community service board~~ department of administration shall
8 award grants, in the amounts specified in paragraph (c), to countywide consortiums
9 to assist those countywide consortiums in coordinating and documenting progress
10 within their counties toward reaching the goal of providing the 5 fundamental
11 resources to underserved youth.

12 (c) *Amount of grants.* (intro.) ~~The national and community service board~~
13 department of administration shall determine the amount of a grant awarded under
14 paragraph (b) based on the number of underserved youth who are to receive the 5
15 fundamental resources as a result of the countywide consortium's efforts under
16 paragraph (f). ~~The national and community service board~~ department of
17 administration shall award the following amounts based on the following numbers
18 of underserved youth targeted by a countywide consortium:

19 (d) 1. ~~The national and community service board~~ department of administration
20 may award a grant under paragraph (b) only to a countywide consortium that agrees
21 to match the grant, in cash, in an amount this is not less than 200% of the grant
22 amount received.

23 (g) *Fiscal agent; reporting.* (intro.) Each countywide consortium that applies
24 for a grant under paragraph (b) shall identify a fiscal agent who shall receive,
25 manage and account for the grant moneys awarded under paragraph (b) and the

SENATE BILL 45**SECTION 3267**

1 matching funds committed under paragraph (d) 1. and who shall provide to the
2 ~~national and community service board~~ department of administration the following
3 reports detailing the progress of the countywide consortium in accomplishing the
4 tasks specified in paragraph (f):

5 (h) *Capacity building.* The ~~national and community service board~~ department
6 of administration may expend any moneys in the appropriation account under
7 section 20.505 (4) (1) (fm) of the statutes, ~~as created by this act,~~ that are not awarded
8 as grants under paragraph (b) to build the capacity of individuals, public agencies,
9 nonprofit organizations and other persons to provide the 5 fundamental resources
10 to underserved youth by contracting for the provision of the training and technical
11 assistance specified in paragraph (f) 4.

12 **SECTION 3268.** 1997 Wisconsin Act 237, section 9401 (1z) is repealed.

13 **SECTION 9101. Nonstatutory provisions; administration.**

14 (1) TRANSFER OF NATIONAL AND COMMUNITY SERVICES BOARD.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the department of administration primarily related to the functions of
17 the national and community service board, except the Wisconsin challenge grant
18 program, as determined by the secretary of administration, shall become the assets
19 and liabilities of the department of health and family services.

20 (b) *Positions and employes.*

21 1. On the effective date of this subdivision, all full-time equivalent positions
22 in the department of administration having duties primarily related to the functions
23 of the national and community service board, except the Wisconsin challenge grant
24 program, as determined by the secretary of administration, are transferred to the
25 department of health and family services.

SENATE BILL 45**SECTION 9101**

1 2. All incumbent employes holding positions specified in subdivision 1. are
2 transferred on the effective date of this subdivision to the department of health and
3 family services.

4 3. Employes transferred under subdivision 2. have all the rights and the same
5 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
6 department of health and family services that they enjoyed in the department of
7 administration immediately before the transfer. Notwithstanding section 230.28 (4)
8 of the statues, no employe so transferred who has attained permanent status in class
9 is required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of administration
12 that is primarily related to the functions of the national and community service
13 board, except the Wisconsin challenge grant program, as determined by the
14 secretary of administration, is transferred to the department of health and family
15 services.

16 (d) *Contracts.* All contracts entered into by the department of administration
17 in effect on the effective date of this paragraph that are primarily related to the
18 functions of the national and community service board, except the Wisconsin
19 challenge grant program, as determined by the secretary of administration, remain
20 in effect and are transferred to the department of health and family services. The
21 department of health and family services shall carry out any contractual obligations
22 under such a contract until the contract is modified or rescinded by the department
23 of health and family services to the extent allowed under the contract.

24 (2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
25 revenue moneys appropriated to the department of administration for the office of

SENATE BILL 45**SECTION 9101**

1 justice assistance under section 20.505 (6) (kp) of the statutes, as affected by this act,
2 and section 20.505 (6) (pb) of the statutes, the department shall expend \$83,600 in
3 fiscal year 1999-2000 and \$87,800 in fiscal year 2000-01 to provide the
4 multijurisdictional enforcement group serving Dane County with funding for one
5 assistant district attorney to prosecute criminal violations of chapter 961 of the
6 statutes.

7 (3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and
8 program revenue moneys appropriated to the department of administration for the
9 office of justice assistance under section 20.505 (6) (kp) of the statutes, as affected
10 by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend
11 \$263,000 in fiscal year 1999-2000 and \$271,300 in fiscal year 2000-01 to provide the
12 multijurisdictional enforcement group serving Milwaukee County with funding for
13 3 assistant district attorneys to prosecute criminal violations of chapter 961 of the
14 statutes.

15 (4) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

16 (a) In any case in which the district attorney files a sexually violent person
17 petition under section 980.02 (1) (b) of the statutes, as affected by this act, on or after
18 the effective date this paragraph but before July 1, 2001, the district attorney shall
19 maintain a record of the amount of time spent by the district attorney and by any
20 deputy district attorneys or assistant district attorneys doing all of the following:

21 1. Prosecuting the petition through trial under section 980.05 of the statutes
22 and, if applicable, commitment of the person subject to the petition under section
23 980.06 of the statutes, as affected by this act.

24 2. If applicable, representing the state on petitions brought by the person who
25 is the subject of the petition for supervised release under section 980.08 of the

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1 statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the
2 statutes.

3 (b) Annually, on a date specified by the department of administration, the
4 district attorney shall submit to the department of administration a report
5 summarizing the records under paragraph (a) covering the preceding 12-month
6 period. The department of administration shall maintain the information submitted
7 under this paragraph by district attorneys.

8 (5) PURCHASE, REPLACEMENT AND MAINTENANCE OF STATE CRIME LABORATORY
9 EQUIPMENT. The secretary of administration shall allocate \$254,700 in fiscal year
10 1999-2000 and \$254,700 in fiscal year 2000-01 from the appropriations under
11 section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505 (6)
12 (pc) of the statutes to provide the department of justice with funding for the
13 purchase, replacement and maintenance of state crime laboratory equipment.

14 (6) PURCHASE OF EQUIPMENT OF DEOXYRIBONUCLEIC ACID ANALYSIS. In fiscal year
15 1999-2000, the secretary of administration shall allocate \$226,800 from the
16 appropriations under section 20.505 (6) (kt) of the statutes, as affected by this act,
17 and section 20.505 (6) (pc) of the statutes to provide the department of justice with
18 funding for the purchase of equipment for analyzing deoxyribonucleic acid using the
19 short tandem repeat method.

20 (7) CONVERSION OF DEOXYRIBONUCLEIC ACID DATA BANK. In fiscal year 1999-2000,
21 the secretary of administration shall allocate \$450,000 from the appropriations
22 under section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505
23 (6) (pc) of the statutes to provide the department of justice with funding for
24 converting the deoxyribonucleic acid data bank under section 165.77 (3) of the

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1 statutes to make it compatible with the short tandem repeat method of
2 deoxyribonucleic acid analysis.

3 (8) EDUCATIONAL BROADCASTING.

4 (a) *Transfer of University of Wisconsin System funds.* If the secretary of
5 administration determines that the federal communications commission has
6 approved the transfer of all broadcasting licenses held by the educational
7 communications board and the board of regents of the University of Wisconsin
8 System to the corporation described under section 39.81 of the statutes, as created
9 by this act, on the effective date of the last license transferred, all unencumbered
10 balances appropriated to the board of regents of the University of Wisconsin System
11 under section 20.285 of the statutes, as affected by this act, for public broadcasting,
12 as determined by the secretary of administration, are transferred to the corporation
13 described under section 39.81 of the statutes, as created by this act.

14 (b) *Transfer of educational communications board funds.* If the secretary of
15 administration determines that the federal communications commission has
16 approved the transfer of all broadcasting licenses held by the educational
17 communications board and the board of regents of the University of Wisconsin
18 System to the corporation described under section 39.81 of the statutes, as created
19 by this act, on the effective date of the last license transferred:

20 1. To the appropriation account under section 20.218 (1) (b) of the statutes, as
21 created by this act, there is transferred the unencumbered balance of the
22 appropriation accounts under section 20.225 (1) (a), (b), (d) to (ka) and (m) of the
23 statutes, as affected by this act, and the amounts in the schedule for the
24 appropriation account under section 20.218 (1) (b) of the statutes, as created by this
25 act, are increased by the sum of the amounts transferred from the appropriation

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1 accounts under section 20.225 (1) (a), (b), (d) to (ka) and (m) of the statutes, as
2 affected by this act.

3 2. To the appropriation account under section 20.505 (5) (i) of the statutes, as
4 created by this act, there is transferred the unencumbered balance of the
5 appropriation account under section 20.225 (1) (kb) of the statutes, as affected by this
6 act, and the amounts in the schedule for the appropriation account under section
7 20.505 (5) (i) of the statutes, as created by this act, are increased by the amount
8 transferred from the appropriation account under section 20.225 (1) (kb) of the
9 statutes, as affected by this act.

10 (c) *Operational plan for educational broadcasting corporation.* The persons
11 under section 39.81 (1) of the statutes, as created by this act, shall prepare an
12 operational plan for the corporation described under section 39.81 of the statutes, as
13 created by this act. The operational plan shall include all of the following:

14 1. A list of those individuals employed by the board of regents of the University
15 of Wisconsin System and the educational communications board who are best-suited
16 to provide educational broadcasting services for the corporation described under
17 section 39.81 of the statutes, as created by this act.

18 2. The number of authorized FTE positions for the board of regents of the
19 University of Wisconsin System that would be eliminated if all broadcasting licenses
20 held by the educational communications board and the board of regents of the
21 University of Wisconsin System were transferred to the corporation described under
22 section 39.81 of the statutes, as created by this act.

23 3. An estimate of the level of funding necessary to cover the annual operating
24 expenses of the corporation described under section 39.81 of the statutes, as created
25 by this act.

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1 4. An estimate of the amount of money necessary to fund the appropriations
2 under section 20.255 (1) (fw) of the statutes, as created by this act, and section 20.285
3 (1) (fu) of the statutes.

4 5. A recommendation about whether the department of administration should
5 undertake the construction and operation of national weather service transmitters.

6 (d) *Review of operational plan.* The secretary of administration shall submit
7 the operational plan under paragraph (c) to the cochairpersons of the joint committee
8 on finance. If the cochairpersons of the joint committee on finance do not notify the
9 secretary of administration within 14 working days after the date of the submittal
10 of the operational plan that the joint committee on finance has scheduled a meeting
11 to review the operational plan, the operational plan may be implemented as proposed
12 by the secretary of administration. If, within 14 working days after the date of the
13 submittal of the operational plan, the cochairpersons of the joint committee on
14 finance notify the secretary of administration that the joint committee on finance has
15 scheduled a meeting to review the operational plan, the operational plan may be
16 implemented only upon approval of the joint committee on finance.

17 (e) *Positions decrease.* If the secretary of administration determines that the
18 federal communications commission has approved the transfer of all broadcasting
19 licenses held by the educational communications board and the board of regents of
20 the University of Wisconsin System to the corporation described under section 39.81
21 of the statutes, as created by this act, on the effective date of the last license
22 transferred the authorized FTE positions for the University of Wisconsin System are
23 decreased by the number determined under paragraph (c) 2.

24 (f) *Determination of license transfer date.* If the secretary of administration
25 determines that the federal communications commission has approved the transfer

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1 of all broadcasting licenses held by the educational communications commission and
2 the board of regents of the University of Wisconsin System to the corporation
3 described under section 39.81 of the statutes, as created by this act, the secretary
4 shall immediately notify the revisor of statutes in writing of the effective date of the
5 last license transferred.

6 (9) TRANSFER OF COLLEGE TUITION PREPAYMENT PROGRAM.

7 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
8 liabilities of the department of administration primarily related to the
9 administration of the college tuition prepayment program, as determined by the
10 secretary of administration, shall become the assets and liabilities of the state
11 treasurer.

12 (b) *Employe transfers.* All incumbent employes holding positions in the
13 department of administration performing duties primarily related to the
14 administration of the college tuition prepayment program, as determined by the
15 secretary of administration, are transferred on the effective date of this paragraph
16 to the state treasurer.

17 (c) *Employe status.* Employes transferred under paragraph (b) have all the
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
19 statutes in the state treasurer's office that they enjoyed in the department of
20 administration immediately before the transfer. Notwithstanding section 230.28 (4)
21 of the statutes, no employe so transferred who has attained permanent status in
22 class is required to serve a probationary period.

23 (d) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the department of administration
25 that is primarily related to the administration of the college tuition prepayment

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1 program, as determined by the secretary of administration, is transferred to the
2 state treasurer.

3 (e) *Contracts.* All contracts entered into by the department of administration
4 that are in effect on the effective date of this paragraph and that are primarily related
5 to the administration of the college tuition prepayment program, as determined by
6 the secretary of administration, remain in effect and are transferred to the state
7 treasurer. The state treasurer shall carry out any such contractual obligations until
8 modified or rescinded by the state treasurer to the extent allowed under contract.

9 (f) *Rules and orders.* All rules promulgated by the department of
10 administration that are in effect on the effective date of this paragraph and that are
11 primarily related to the administration of the college tuition prepayment program,
12 as determined by the secretary of administration, remain in effect until their
13 specified expiration date or until amended or repealed by the state treasurer. All
14 orders issued by the department of administration that are in effect on the effective
15 date of this paragraph and that are primarily related to the administration of the
16 college tuition prepayment program, as determined by the secretary of
17 administration, remain in effect until their specified expiration date or until
18 modified or rescinded by the state treasurer.

19 (g) *Pending matters.* Any matters pending with the department of
20 administration on the effective date of this paragraph that are primarily related to
21 the administration of the college tuition prepayment program, as determined by the
22 secretary of administration, are transferred to the state treasurer and all materials
23 submitted to or actions taken by the department of administration with respect to
24 the pending matters are considered as having been submitted or taken by the state
25 treasurer.

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1 (10) INSTALLATION OF EQUIPMENT FOR AUTOMATED JUSTICE INFORMATION SYSTEMS.

2 The secretary of administration shall allocate \$363,900 in fiscal year 1999–2000 and
3 \$1,782,000 in fiscal year 2000–01 from the appropriations under section 20.505 (6)
4 (kt) of the statutes, as affected by this act, and section 20.505 (6) (pc) of the statutes
5 to fund the installation of equipment for automated justice information systems.

6 (11) OPERATIONS RELATING TO AUTOMATED JUSTICE INFORMATION SYSTEMS. The
7 secretary of administration shall allocate \$446,500 in fiscal year 1999–2000 and
8 \$446,500 in fiscal year 2000–01 from the appropriation under section 20.505 (6) (pc)
9 of the statutes to fund the general operations of the department of administration
10 relating to automated justice information systems.

11 (12) DEPARTMENT OF CORRECTIONS ALCOHOL AND OTHER DRUG ABUSE PROGRAMS.
12 The secretary of administration shall allocate \$1,000,000 in fiscal year 1999–2000
13 and \$1,000,000 in fiscal year 2000–01 from the appropriations under section 20.505
14 (6) (kt) of the statutes, as affected by this act, and section 20.505 (6) (pc) of the
15 statutes to fund alcohol and other drug abuse programs in the department of
16 corrections.

17 (13) DEPARTMENT OF CORRECTIONS INFORMATION TECHNOLOGY. The secretary of
18 administration shall allocate \$533,300 in fiscal year 1999–2000 and \$1,200,000 in
19 fiscal year 2000–01 from the appropriations under section 20.505 (6) (kt) of the
20 statutes, as affected by this act, and section 20.505 (6) (pc) of the statutes to provide
21 the department of corrections with funding for information technology.

22 (14) REIMBURSEMENT TO COUNTIES FOR CRIME VICTIM AND WITNESS SERVICES. The
23 secretary of administration shall allocate \$850,800 in fiscal year 1999–2000 and
24 \$850,800 in fiscal year 2000–01 from the appropriations under section 20.505 (6) (kp)
25 of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes to

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1 provide reimbursement to counties for providing services to victims and witnesses
2 of crime.

3 (15) PRIVATIZATION OF PUBLIC BROADCASTING TOWERS.

4 (a) In this subsection:

5 1. "Department" means the department of administration.

6 2. "Communications towers" means state-owned or state-leased
7 communications towers that are used for public broadcasting and any related
8 structures, equipment and property, except for the communications tower operated
9 by the Milwaukee area technical college.

10 (b) The department, after consultation with all other state agencies, shall
11 prepare a report on the privatization of communications towers. The report shall
12 include each of the following:

13 1. An inventory of all communications towers.

14 2. A plan for implementing privatization of communications towers, including
15 any plans and specifications for the sale or sublease of communications towers to
16 private bidders and any proposed contract terms for the state to lease back sufficient
17 capacity on communications towers in order to meet the state's current
18 communications needs and for providing for any construction or expansion that is
19 necessary to meet the state's future communications needs.

20 (c) No later than June 30, 2000, the department shall submit the report under
21 paragraph (b) to the joint committee on finance of the legislature for its review. If
22 the cochairpersons of the committee do not notify the department within 14 working
23 days after the date of submittal of the report that the committee has scheduled a
24 meeting for the purpose of reviewing the report, the plan included in the report may
25 be implemented as proposed by the department. If, within 14 working days after the

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1 date of submittal, the cochairpersons of the committee notify the department that
2 the committee has scheduled a meeting for the purpose of reviewing the report, the
3 plan may be implemented only upon approval of the committee.

4 (16) SYNAR COMPLIANCE CHECKS. The legislative reference bureau shall prepare
5 legislation authorizing the development of a statewide protocol for licensing
6 authorities and law enforcement agencies in conducting compliance surveys to
7 determine the prevalence of illegal retail sales of tobacco products to underage
8 persons, based on instructions provided by the department of administration. The
9 final instructions for this legislation shall be submitted to the legislative reference
10 bureau by the department of administration not later than March 1, 1999. The
11 secretary of administration shall submit the proposed legislation to the
12 cochairpersons of the joint committee on finance no later than April 1, 1999.

13 (17) GLASS CEILING BOARD INITIAL TERMS. Notwithstanding section 15.105 (26)
14 of the statutes, as created by this act, of the members first appointed to the glass
15 ceiling board under section 15.105 (26) (b) of the statutes, the governor shall
16 designate 7 members to serve for terms expiring on May 1, 2001; 7 members to serve
17 for terms expiring on May 1, 2002; and 7 members to serve for terms expiring on May
18 1, 2003.

19 (18) DETERMINATION OF COSTS FOR PAY RATE OR RANGE ADJUSTMENTS FOR CERTAIN
20 EMPLOYES OF THE DEPARTMENTS OF CORRECTIONS AND HEALTH AND FAMILY SERVICES.
21 During the 1999-2001 biennium, the secretary of administration shall determine
22 which costs of the departments of corrections and health and family services may be
23 supplemented from the appropriation accounts under section 20.865 (1) (cb) and (ib)
24 of the statutes, as created by this act.

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1 **SECTION 9102. Nonstatutory provisions; adolescent pregnancy**
2 **prevention and pregnancy services board.**

3 **SECTION 9103. Nonstatutory provisions; aging and long-term care**
4 **board.**

5 (1) LENGTH OF INITIAL TERMS OF MEMBERS OF BOARD ON AGING AND LONG-TERM CARE.
6 Notwithstanding the length of terms specified for members of the board on aging and
7 long-term care appointed under section 15.105 (10) of the statutes, as affected by this
8 act, one of the 2 additional initial members appointed under that subsection shall be
9 appointed for a term expiring on May 1, 2005, and the other of the 2 additional initial
10 members appointed under that subsection shall be appointed for a term expiring on
11 May 1, 2006.

12 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**
13 **consumer protection.**

14 (1) SOIL AND WATER CONSERVATION STANDARDS. A county land conservation
15 committee shall submit revised soil and water conservation standards that comply
16 with section 92.105 (1) of the statutes, as affected by this act, to the land and water
17 conservation board no later than September 1, 2000.

18 (2) FARMLAND PRESERVATION RULES. Using the procedure under section 227.24
19 of the statutes, the department of agriculture, trade and consumer protection may
20 promulgate a rule under section 91.04 of the statutes, as created by this act, or under
21 any other provision of the statutes if the rule is necessary to implement the changes
22 related to the farmland preservation credit made by this act for the period before the
23 effective date of any permanent rule promulgated under section 91.04 of the statutes,
24 as created by this act, or promulgated to implement those changes, but not to exceed
25 the period authorized under section 227.24 (1) (c) and (2) of the statutes.

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1 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department
2 is not required to provide evidence that promulgating a rule under this subsection
3 as an emergency rule is necessary for the preservation of the public peace, health,
4 safety or welfare and is not required to provide a finding of emergency for a rule
5 promulgated under this subsection.

6 (3) **EMERGENCY RULES FOR DRAINAGE DISTRICT BOARD GRANTS.** Using the procedure
7 under section 227.24 of the statutes, the department of agriculture, trade and
8 consumer protection may promulgate a rule under section 88.15 (2) of the statutes,
9 as created by this act, for the period before the effective date of the permanent rule
10 promulgated under section 88.15 (2) of the statutes, as created by this act, but not
11 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
12 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department
13 is not required to provide evidence that promulgating a rule under this subsection
14 as an emergency rule is necessary for the preservation of the public peace, health,
15 safety or welfare and is not required to provide a finding of emergency for a rule
16 promulgated under this subsection.

17 **SECTION 9105. Nonstatutory provisions; arts board.**

18 **SECTION 9106. Nonstatutory provisions; boundary area commission,**
19 **Minnesota-Wisconsin.**

20 (1) **MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT**
21 **WITHDRAWAL.** The state of Wisconsin withdraws from the Minnesota-Wisconsin
22 boundary area commission and from the compact creating the commission under
23 chapter 274, laws of 1965. The governor of Wisconsin shall inform the governor of
24 Minnesota of this withdrawal no later than 10 days after the effective date of this
25 subsection.

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1 (2) SMALL SEWAGE SYSTEMS. The department of commerce may use the procedure
2 specified under section 227.24 of the statutes to promulgate the rule required under
3 section 145.02 (4) (c) of the statutes, as created by this act, for the period before the
4 effective date of a permanent rule, but not to exceed the period authorized under
5 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
6 (2) (b) and (3) of the statutes, the department is not required to provide evidence that
7 promulgating a rule under this subsection as an emergency rule is necessary for the
8 preservation of the public peace, health, safety or welfare and is not required to
9 provide a finding of emergency for a rule promulgated under this subsection.

10 (3) RULES FOR DETERMINING PRIORITY OF SITES OF PETROLEUM PRODUCT DISCHARGES.
11 Using the procedure under section 227.24 of the statutes, the department of
12 commerce shall promulgate the rules required under section 101.144 (3g) of the
13 statutes, as created by this act, for the period before the effective date of the
14 permanent rules under that provision, but not to exceed the period authorized under
15 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
16 (2) (b) and (3) of the statutes, the department is not required to provide evidence that
17 promulgating rules under this subsection is necessary for the preservation of the
18 public peace, health, safety or welfare and is not required to provide a finding of
19 emergency for rules promulgated under this subsection. The department shall
20 promulgate rules under this subsection no later than the 30th day after the effective
21 date of this subsection.

22 (4) LOAN FOR PEDESTRIAN BRIDGE PROJECT.

23 (a) The department of commerce may make a loan of not more than \$600,000
24 from the appropriations under section 20.143 (1) (c) and (ie) of the statutes, as

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1 affected by this act, to a person for a project that includes a pedestrian bridge, if all
2 of the following apply:

3 1. The person submits a plan to the department of commerce detailing the
4 proposed use of the loan and the secretary of commerce approves the plan.

5 2. The person enters into a written agreement with the department of
6 commerce that specifies the loan terms and the conditions for use of the loan
7 proceeds, including reporting and auditing requirements.

8 3. The person agrees in writing to submit to the department of commerce,
9 within 6 months after spending the full amount of the loan, a report detailing how
10 the loan proceeds were used.

11 (b) The department of commerce shall deposit in the appropriation account
12 under section 20.143 (1) (ie) of the statutes, as affected by this act, any moneys
13 received in repayment of the loan.

14 (c) The department of commerce may not pay loan proceeds under this
15 subsection after June 30, 2000.

16 (5) GRANT FOR MANUFACTURING TECHNOLOGY TRAINING CENTER.

17 (a) In this subsection:

18 1. "Consortium" means an association of business, governmental and
19 educational entities.

20 2. "Department" means the department of commerce.

21 3. "Secretary" means the secretary of commerce.

22 (b) Subject to paragraph (d), the department may make a grant of not more
23 than \$1,000,000 from the appropriation under section 20.143 (1) (c) of the statutes,
24 as affected by this act, to a consortium for a manufacturing technology training
25 center if all of the following apply:

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1 1. The consortium is located in the Racine–Kenosha area.

2 2. The consortium submits a plan to the department detailing the proposed use
3 of the grant and the secretary approves the plan.

4 3. The consortium enters into a written agreement with the department that
5 specifies the conditions for use of the grant proceeds, including reporting and
6 auditing requirements.

7 4. The consortium agrees in writing to submit to the department the report
8 required under paragraph (c) by the time required under paragraph (c).

9 (c) If a consortium receives a grant under this subsection, it shall submit to the
10 department, within 6 months after spending the full amount of the grant, a report
11 detailing how the grant proceeds were used.

12 (d) 1. The department may not pay grant proceeds under this subsection after
13 June 30, 2001.

14 2. The department may not disburse more than \$500,000 in grant proceeds
15 under this subsection in either fiscal year 1999–2000 or fiscal year 2000–01.

16 **SECTION 9111. Nonstatutory provisions; corrections.**

17 (1) SECURED GROUP HOME RATES. By January 1, 2000, the department of
18 corrections shall calculate and submit to the department of administration per
19 person daily cost assessments under section 301.26 (4) (d) 3. and 4. of the statutes,
20 as affected by this act, for juveniles who are placed in a secured group home, as
21 defined in section 938.02 (15p) of the statutes, as created by this act.

22 **SECTION 9112. Nonstatutory provisions; court of appeals.**

23 **SECTION 9113. Nonstatutory provisions; educational communications**
24 **board.**

25 **SECTION 9114. Nonstatutory provisions; elections board.**

SENATE BILL 45**SECTION 9115**

1 **SECTION 9115. Nonstatutory provisions; employe trust funds.**

2 **SECTION 9116. Nonstatutory provisions; employment relations**
3 **commission.**

4 **SECTION 9117. Nonstatutory provisions; employment relations**
5 **department.**

6 **SECTION 9118. Nonstatutory provisions; ethics board.**

7 **SECTION 9119. Nonstatutory provisions; financial institutions.**

8 (1) EMERGENCY RULE-MAKING AUTHORITY. Using the procedure under section
9 227.24 of the statutes, the division of banking shall promulgate rules required under
10 chapter 222 of the statutes, as created by this act, for the period before permanent
11 rules become effective, but not to exceed the period authorized under section 227.24
12 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the
13 statutes, the division of banking need not provide evidence of the necessity of
14 preservation of the public peace, health, safety or welfare in promulgating rules
15 under this subsection.

16 **SECTION 9121. Nonstatutory provisions; governor.**

17 **SECTION 9122. Nonstatutory provisions; Health and Educational**
18 **Facilities Authority.**

19 **SECTION 9123. Nonstatutory provisions; health and family services.**

20 (1) RULES FOR FAMILY CARE BENEFIT. Using the procedure under section 227.24
21 of the statutes, the department of health and family services shall promulgate the
22 rules required under sections 46.286 (4) to (7), 46.288 (1) to (4) and 50.02 (2) (d) of
23 the statutes, as created by this act, for the period before the effective date of the
24 permanent rules promulgated under sections 46.286 (4) to (7), 46.288 (1) to (4) and
25 50.02 (2) (d) of the statutes, as created by this act, but not to exceed the period

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1 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
2 section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required
3 to provide evidence that promulgating a rule under this subsection as an emergency
4 rule is necessary for the preservation of the public peace, health, safety or welfare
5 and is not required to provide a finding of emergency for a rule promulgated under
6 this subsection.

7 (2) HEALTH INSURANCE RISK-SHARING PLAN AND MEDICAL ASSISTANCE PURCHASE
8 PLAN. The department of health and family services shall evaluate how to coordinate
9 the health insurance risk-sharing plan under chapter 149 of the statutes, as affected
10 by this act, and the medical assistance purchase plan under section 49.472 of the
11 statutes, as created by this act. If necessary, the department shall develop proposed
12 legislation that coordinates the programs and that addresses the provision of health
13 care coverage for individuals who are eligible for both programs.

14 (3) MENTAL HEALTH AND ALCOHOL OR OTHER DRUG ABUSE MANAGED CARE
15 DEMONSTRATION PROJECTS.

16 (a) From the appropriations under section 20.435 (6) (a) of the statutes, as
17 affected by this act, and section 20.435 (6) (n) of the statutes, the department of
18 health and family services shall contract with counties or federally recognized
19 American Indian tribes or bands to provide up to 2 demonstration projects in state
20 fiscal year 2000-01. The demonstration projects shall be to provide mental health
21 and alcohol or other drug abuse services under managed care programs to persons
22 who suffer from mental illness, alcohol or other drug dependency or both mental
23 illness and alcohol or other drug dependency.

24 (b) The department of health and family services shall submit for approval by
25 the secretary of the federal department of health and human services any requests

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1 for waiver of federal medical assistance laws that are necessary to secure federal
2 financial participation for the managed care demonstration projects under this
3 subsection. Regardless of whether a waiver is approved, the department of health
4 and family services may contract for the provision of the managed care
5 demonstration projects under this subsection.

6 (4) EMERGENCY MEDICAL SERVICES LICENSE RENEWAL AND LATE FEES AND
7 FORFEITURES; RULES.

8 (a) The department of health and family services shall submit in proposed form
9 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
10 to the legislative council staff under section 227.15 (1) of the statutes no later than
11 the first day of the 4th month beginning after the effective date of this paragraph.

12 (b) Using the procedure under section 227.24 of the statutes, the department
13 of health and family services may promulgate rules required under section 146.50
14 (13) (d) of the statutes, as created by this act, for the period before the effective date
15 of the rules submitted under paragraph (a), but not to exceed the period authorized
16 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
17 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
18 evidence that promulgating a rule under this paragraph as an emergency rule is
19 necessary for the preservation of the public peace, health, safety or welfare and is not
20 required to provide a finding of emergency for a rule promulgated under this
21 paragraph.

22 (5) PRELIMINARY BREATH SCREENING INSTRUMENTS. From the appropriation
23 account under section 20.435 (6) (hx) of the statutes, as affected by this act, the
24 secretary of administration shall transfer \$290,900 to the appropriation account

SENATE BILL 45**SECTION 9123**

1 under section 20.395 (5) (ci) of the statutes not later than 30 days after the effective
2 date of this subsection.

3 (6) FIFTH STANDARD FOR EMERGENCY DETENTION AND CIVIL COMMITMENT. The
4 repeal of 1995 Wisconsin Act 292, sections 5, 12, 14, 16, 20, 22, 24, 28, 30, 30h, 32 and
5 37 (1), by this act applies notwithstanding section 990.03 (3) of the statutes.

6 (7) REPORT TO LEGISLATURE REGARDING HUNGER PREVENTION GRANTS. The
7 department of health and family services shall, by June 30, 2000, submit a report to
8 the governor, and to the legislature in the manner provided under section 13.172 (2)
9 of the statutes, on grants made under section 46.765, 1997 stats., and the
10 community-based hunger prevention activities conducted using those grants.

11 (8) OFFICE OF HEALTH CARE INFORMATION REQUEST FOR INFORMATION. By January
12 1, 2000, the office of health care information shall issue a request for information to
13 determine whether an entity would be interested in purchasing data from the office
14 to analyze the data, prepare reports and make the reports available for sale to any
15 interested organizations.

16 **SECTION 9124. Nonstatutory provisions; historical society.**

17 **SECTION 9125. Nonstatutory provisions; Housing and Economic**
18 **Development Authority.**

19 (1) TRANSFER TO WISCONSIN DEVELOPMENT RESERVE FUND. In fiscal year
20 1999–2000, the Wisconsin Housing and Economic Development Authority shall
21 transfer at least \$5,100,000 from the housing rehabilitation loan program
22 administration fund to the Wisconsin development reserve fund, regardless of
23 whether the chairperson of the Wisconsin Housing and Economic Development
24 Authority certifies that the funds are no longer required for the housing

SENATE BILL 45**SECTION 9125**

1 rehabilitation loan program under section 234.51 (2) (b) of the statutes, as affected
2 by this act.

3 **SECTION 9126. Nonstatutory provisions; insurance.**

4 (1) GRANT FOR ESTABLISHING SMALL EMPLOYER HEALTH INSURANCE PURCHASING
5 POOLS.

6 (a) In this subsection:

- 7 1. "Commissioner" means the commissioner of insurance.
8 2. "Office" means the office of the commissioner of insurance.
9 3. "Small employer" has the meaning given in section 635.02 (7) of the statutes.

10 (b) The office may make a grant of not more than \$200,000 from the
11 appropriation under section 20.145 (1) (c) of the statutes, as created by this act, to
12 a private organization for the purpose of establishing health insurance purchasing
13 pools for private small employers if all of the following apply:

14 1. The private organization submits a plan to the office detailing the proposed
15 use of the grant and the commissioner approves the plan.

16 2. The private organization enters into a written agreement with the office that
17 specifies the conditions for use of the grant proceeds, including reporting and
18 auditing requirements.

19 3. The private organization agrees in writing to submit to the office the report
20 required under paragraph (c) by the time required under paragraph (c).

21 (c) If a private organization receives a grant under this subsection, it shall
22 submit to the office, within 6 months after spending the full amount of the grant, a
23 report detailing how the grant proceeds were used.

24 (d) The office may not pay grant proceeds under this subsection after June 30,
25 2000.

SENATE BILL 45**SECTION 9127****1 SECTION 9127. Nonstatutory provisions; investment board.**

2 (1) BONUS COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE INVESTMENT BOARD.

3 Notwithstanding section 25.156 (6m) (b) of the statutes, as created by this act, the
4 secretary shall, no later than October 1, 1999, determine which employees of the
5 investment board are investment professionals and eligible for the plan of bonus
6 compensation provided under section 25.156 (6m) (a) of the statutes, as created by
7 this act, for the 1999-2000 fiscal year, and shall report this determination to the
8 investment board.

9 **SECTION 9128. Nonstatutory provisions; joint committee on finance.**

10 **SECTION 9129. Nonstatutory provisions; judicial commission.**

11 **SECTION 9130. Nonstatutory provisions; justice.**

12 **SECTION 9131. Nonstatutory provisions; legislature.**

13 **SECTION 9132. Nonstatutory provisions; lieutenant governor.**

14 **SECTION 9133. Nonstatutory provisions; lower Wisconsin state**
15 **riverway board.**

16 **SECTION 9134. Nonstatutory provisions; Medical College of Wisconsin.**

17 **SECTION 9135. Nonstatutory provisions; military affairs.**

18 **SECTION 9136. Nonstatutory provisions; natural resources.**

19 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
20 resources may use the procedure under section 227.24 of the statutes to promulgate
21 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
22 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
23 the emergency rules may remain in effect until January 1, 2000, or the date on which
24 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
25 (1) (a) and (3) of the statutes, the department is not required to provide evidence that

SENATE BILL 45**SECTION 9136**

1 promulgating a rule under this subsection as an emergency rule is necessary for the
2 preservation of public peace, health, safety or welfare and is not required to provide
3 a finding of emergency for a rule promulgated under this subsection.

4 (2) EMERGENCY RULE-MAKING AUTHORITY. Using the procedure under section
5 227.24 of the statutes, the department of natural resources shall promulgate rules
6 required under section 292.75 of the statutes, as created by this act, for the period
7 before permanent rules become effective, but not to exceed the period authorized
8 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
9 (1) (a) and (2) (b) of the statutes, the department is not required to provide evidence
10 that promulgating a rule under this subsection as an emergency rule is necessary for
11 the preservation of the public peace, health, safety or welfare and is not required to
12 provide a finding of emergency for a rule promulgated under this subsection.

13 (3) RULES CONCERNING NATURAL ATTENUATION OF GROUNDWATER CONTAMINATION.
14 Using the procedure under section 227.24 of the statutes, the department of natural
15 resources shall promulgate the rules required under section 292.15 (2) (ae) of the
16 statutes, as created by this act, for the period before the effective date of the
17 permanent rules under that provision, but not to exceed the period authorized under
18 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
19 (2) (b) and (3) of the statutes, the department is not required to provide evidence that
20 promulgating rules under this subsection is necessary for the preservation of the
21 public peace, health, safety or welfare and is not required to provide a finding of
22 emergency for rules promulgated under this subsection.

23 (4) DRINKING WATER STUDY. During the 2000-01 fiscal year, the department of
24 natural resources shall provide a grant from the appropriation under section 20.370
25 (6) (ck) of the statutes, as created by this act, to the town of Swiss, Burnett County,

SENATE BILL 45**SECTION 9136**

1 and the St. Croix band of Chippewa for a study to determine the best technological
2 approaches to addressing water quality problems threatening drinking water and
3 overall water quality problems of the St. Croix, Namekagon and Yellow rivers. The
4 town and the band shall submit a report describing the findings of the study to the
5 department of natural resources and the department of administration no later than
6 January 1, 2003.

7 (5) RADIO SERVICES.

8 (a) *Position increases.* The authorized FTE positions for the department of
9 natural resources are decreased by 7.0 SEG positions, funded from the appropriation
10 under section 20.370 (8) (mu) of the statutes, for the performance of duties primarily
11 related to radio services.

12 (b) *Employe transfers.* There are transferred from the department of natural
13 resources to the department of transportation 7.0 FTE incumbent employes holding
14 positions in the department of natural resources performing duties primarily related
15 to radio services.

16 (c) *Employe status.* Employes transferred under paragraph (b) have all the
17 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
18 statutes in the department of transportation that they enjoyed in the department of
19 natural resources immediately before the transfer. Notwithstanding section 230.28
20 (4) of the statutes, no employe so transferred who has attained permanent status in
21 class is required to serve a probationary period.

22 (d) *Payments to the department of transportation.* If the department of
23 transportation provides radio services to the department of natural resources under
24 section 85.12 of the statutes in fiscal years 1999–2000 and 2000–01, the department
25 of natural resources shall make payments to the department of transportation for

SENATE BILL 45**SECTION 9136**

1 these services from the appropriations under section 20.370 (8) (mt) of the statutes,
2 as affected by this act, and section 20.370 (8) (mu) of the statutes on the first day of
3 each quarter of fiscal years 1999-2000 and 2000-01, except that the department of
4 natural resources shall make its first payment in fiscal year 1999-2000 on July 31,
5 1999, or 10 days after the effective date of this paragraph, whichever occurs later.

6 (6) DATABASE OF PROPERTIES ON WHICH GROUNDWATER STANDARDS ARE EXCEEDED.

7 Using the procedure under section 227.24 of the statutes, the department of natural
8 resources may promulgate a rule under section 292.57 (2) of the statutes, as created
9 by this act, for the period before the effective date of the rule promulgated under
10 section 292.57 (2) of the statutes, as created by this act, but not to exceed the period
11 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
12 section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required
13 to provide evidence that promulgating a rule under this subsection as an emergency
14 rule is necessary for the preservation of the public peace, health, safety or welfare
15 and is not required to provide a finding of emergency for a rule promulgated under
16 this subsection.

17 (7) STUDY OF LAND APPLICATION OF SEPTAGE. The department of natural resources
18 shall study this state's program for regulating the application of septage to land. No
19 later than September 1, 2000, the department shall submit a report presenting the
20 results of the study, including relevant data, identification of problems and
21 recommendations to improve the program, to the legislature in the manner provided
22 in section 13.172 (2) of the statutes, to the governor and to the department of
23 administration.

24 (8) MEMORANDUM OF UNDERSTANDING FOR CONTAMINATED TRANSPORTATION
25 CONSTRUCTION ZONES. Not later than January 1, 2000, the secretary of natural

SENATE BILL 45**SECTION 9136**

1 resources and the secretary of transportation jointly shall submit to the secretary of
2 administration a memorandum of understanding between the department of
3 natural resources and the department of transportation. The memorandum of
4 understanding shall establish the respective responsibilities of the department of
5 natural resources and the department of transportation for hazardous substances
6 discovered on any property under the jurisdiction of the department of
7 transportation. Any actions to restore the environment or to minimize the harmful
8 effects of the hazardous substances on the property shall be based upon the risk to
9 public health and the environment and shall, to the greatest extent practicable, rely
10 on natural processes of attenuation without human intervention. The memorandum
11 of understanding shall establish a means of resolving disputes between the agencies
12 arising under the memorandum of understanding. The memorandum of
13 understanding does not take effect unless the secretary of administration approves
14 of it in writing to the secretary of natural resources and the secretary of
15 transportation.

16 (9) GRANTS FOR WHEELCHAIR RECYCLING PROJECT. From the appropriation
17 account under section 20.370 (6) (br) of the statutes, as affected by this act, the
18 department of natural resources shall award the following grants to the Wheelchair
19 Recycling Project, a part of the Madison chapter of the National Spinal Cord Injury
20 Association, for the purpose of refurbishing used wheelchairs and other mobility
21 devices and returning them to use by persons who otherwise would not have access
22 to needed or appropriate equipment:

23 (a) On September 1, 1999, \$75,000.

24 (b) On July 1, 2000, \$50,000.

25 **SECTION 9137. Nonstatutory provisions; personnel commission.**

SENATE BILL 45**SECTION 9138**

1 **SECTION 9138. Nonstatutory provisions; public defender board.**

2 **SECTION 9139. Nonstatutory provisions; public instruction.**

3 **SECTION 9140. Nonstatutory provisions; public lands, board of**
4 **commissioners of.**

5 **SECTION 9141. Nonstatutory provisions; public service commission.**

6 (1) TRANSFER OF EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM.

7 (a) In this subsection:

8 1. "Board" means the technology for educational achievement in Wisconsin
9 board.

10 2. "Commission" means the public service commission.

11 3. "Secretary" means the secretary of administration.

12 (b) During the period beginning on the effective date of this paragraph and
13 ending on the first day of the 3rd month beginning after the effective date of this
14 paragraph, the commission shall cooperate with the board in providing orderly and
15 efficient transfers under this subsection. On the first day of the 3rd month beginning
16 after the effective date of this paragraph, all of the following apply:

17 1. All rules that have been promulgated by the commission under section
18 196.218 (4r) (b), 1997 stats., and that are in effect shall become rules of the board and
19 shall remain in effect until their specified expiration dates or until amended or
20 repealed by the board. All determinations that have been made by the commission
21 under section 196.218 (4r) (g), 1997 stats., regarding documentation of contracts
22 shall become determinations of the board and shall remain in effect until modified
23 or rescinded by the board.

24 2. Any matter relating to the administration of the educational
25 telecommunications access program under section 196.218 (4r), 1997 stats., that is

SENATE BILL 45**SECTION 9141**

1 pending with the commission is transferred to the board, and all materials submitted
2 to or actions taken by the commission with respect to the pending matter are
3 considered to have been submitted to or taken by the board.

4 3. All tangible personal property, including records, of the commission
5 pertaining to the administration of the educational telecommunications access
6 program under section 196.218 (4r), 1997 stats., as determined by the secretary, is
7 transferred to the board.

8 4. All contracts entered into by the commission in effect on the effective date
9 of this subdivision pertaining to the administration of the educational
10 telecommunications access program under section 196.218 (4r), 1997 stats., as
11 determined by the secretary, remain in effect and are transferred to the board. The
12 board shall carry out any obligations under such a contract until the contract is
13 modified or rescinded by the board to the extent allowed under the contract.

14 5. The assets and liabilities of the commission pertaining to the administration
15 of the educational telecommunications access program under section 196.218 (4r),
16 1997 stats., as determined by the secretary, shall become the assets and liabilities
17 of the board.

18 (2) SUBMITTAL OF INFORMATION.

19 (a) The public service commission shall submit in proposed form the rules
20 required under section 196.02 (7m) (b) of the statutes, as created by this act, to the
21 legislative council staff under section 227.15 (1) of the statutes no later than the
22 effective date of this paragraph.

23 (b) Using the procedure under section 227.24 of the statutes, the public service
24 commission may promulgate rules under section 196.02 (7m) (b) of the statutes, as
25 created by this act, for the period before the effective date of the permanent rules

SENATE BILL 45**SECTION 9141**

1 promulgated under section 196.02 (7m) (b) of the statutes, as created by this act, but
2 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
3 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the commission
4 is not required to provide evidence that promulgating a rule under this paragraph
5 as an emergency rule is necessary for the preservation of the public peace, health,
6 safety or welfare and is not required to provide a finding of emergency for a rule
7 promulgated under this paragraph.

8 (3) RETAIL CHOICE STUDY.

9 (a) The public service commission shall conduct a study on implementing retail
10 choice for all consumers of electricity in this state. The study shall address each of
11 the following:

12 1. The infrastructure changes that are necessary for implementing retail choice
13 and the cost and timing of the changes.

14 2. The benefits of retail choice to residential, commercial and industrial classes
15 of consumers.

16 3. A schedule for implementing retail choice for each class of consumers
17 specified in subdivision 2.

18 4. Recommendations for regulating new market entrants in a manner that
19 ensures equitable treatment of all market participants, including any proposed
20 licensing or certification requirements.

21 5. The calculation and recovery of the transitional costs incurred in
22 implementing retail choice.

23 6. The calculation and recovery of stranded costs, including securitization as
24 a means of recovery.

SENATE BILL 45**SECTION 9141**

1 7. The taxation changes that are necessary to ensure the equitable distribution
2 of the tax burden on producers, distributors, marketers and transmitters of
3 electricity in a manner that is revenue neutral.

4 8. The equitable allocation on all market participants, including cooperative
5 associations organized under chapter 185 of the statutes, of the costs of public
6 benefits programs, including low-income energy assistance and energy efficiency
7 programs.

8 9. The development and use of renewable energy resources under retail choice.

9 10. The statutory changes that are necessary to implement retail choice,
10 including any recommended changes to sections 196.85, 196.855 and 196.857 of the
11 statutes.

12 11. Any other issue that the commission determines is necessary for a
13 comprehensive study of implementing retail choice.

14 (b) The public service commission shall report the results of the study to the
15 legislature in the manner provided under section 13.172 (2) of the statutes no later
16 than the first day of the 12th month beginning after the effective date of this
17 paragraph.

18 (4) TRANSFER OF INSTITUTIONAL ASSISTANCE PROGRAM.

19 (a) In this subsection:

20 1. "Board" means the technology for educational achievement in Wisconsin
21 board.

22 2. "Commission" means the public service commission.

23 3. "Institutional assistance program" means the assistance for institutions
24 program created by the commission that is described in section PSC 160.11,
25 Wisconsin Administrative Code.

SENATE BILL 45**SECTION 9141**

1 (b) On the effective date of this paragraph, the assets and liabilities of the
2 commission primarily related to the administration of the institutional assistance
3 program, as determined by the secretary of administration, shall become the assets
4 and liabilities of the board.

5 (c) On the effective date of this paragraph, all tangible personal property,
6 including records, of the commission that is primarily related to the administration
7 of the institutional assistance program, as determined by the secretary of
8 administration, is transferred to the board.

9 (d) All contracts entered into by the commission in effect on the effective date
10 of this paragraph that are primarily related to the administration of the institutional
11 assistance program, as determined by the secretary of administration, remain in
12 effect and are transferred to the board. The board shall carry out any obligations
13 under such a contract until the contract is modified or rescinded by the board to the
14 extent allowed under the contract.

15 (e) All rules promulgated by the commission that are in effect on the effective
16 date of this paragraph that are primarily related to the administration of the
17 institutional assistance program, as determined by the secretary of administration,
18 remain in effect until their specified expiration date or until amended or repealed by
19 the board. All orders issued by the commission that are in effect on the effective date
20 of this paragraph that are primarily related to the administration of the institutional
21 assistance program, as determined by the secretary of administration, remain in
22 effect until their specified expiration date or until modified or rescinded by the board.

23 (f) Any matter pending with the commission on the effective date of this
24 paragraph that is primarily related to the administration of the institutional
25 assistance program, as determined by the secretary of administration, is transferred

SENATE BILL 45**SECTION 9141**

1 to the board and all materials submitted to or actions taken by the commission with
2 respect to the pending matter are considered as having been submitted to or taken
3 by the board.

4 **SECTION 9142. Nonstatutory provisions; regulation and licensing.**

5 (1) HEARING INSTRUMENT SPECIALIST LICENSES.

6 (a) The department of regulation and licensing shall pay a renewal fee refund
7 of \$150 to a person who holds a valid audiologist license if he or she has held a valid
8 hearing instrument specialist license that was renewed on February 1, 1998, and he
9 or she surrenders the hearing instrument specialist license to the department on or
10 before the first day of the 3rd month beginning after the effective date of this
11 paragraph.

12 (b) Notwithstanding sections 440.08 (2) (a) 38. and 459.09 of the statutes, as
13 affected by this act, a person that applies to renew a hearing instrument specialist
14 license that expires on February 1, 2001, is required to pay a renewal fee of 50% of
15 the amount specified in section 440.08 (2) (a) 38. of the statutes, as affected by this
16 act.

17 (2) PROPOSED LEGISLATION; CREDENTIALING BOARDS AND CREDENTIAL RENEWAL FEES.

18 The department of regulation and licensing shall prepare proposed legislation that
19 establishes a regular and orderly process for the department to evaluate the
20 continued necessity of at least 25% of the credentialing boards, as defined in section
21 440.01 (2) (bm) of the statutes, on an annual basis and for eliminating the
22 credentialing boards that are determined to be unnecessary. The proposed
23 legislation shall also include provisions for establishing credential renewal fees that
24 must be paid by credential holders every 4 years rather than every 2 years as
25 required under current law. No later than August 1, 2000, the department of

SENATE BILL 45**SECTION 9142**

1 regulation and licensing shall submit the proposed legislation in proper form to the
2 legislature in the manner provided under section 13.172 (2) of the statutes and to the
3 governor.

4 **SECTION 9143. Nonstatutory provisions; revenue.**

5 **SECTION 9144. Nonstatutory provisions; secretary of state.**

6 **SECTION 9145. Nonstatutory provisions; state fair park board.**

7 **SECTION 9146. Nonstatutory provisions; supreme court.**

8 **SECTION 9147. Nonstatutory provisions; technical college system.**

9 (1) PRINTING PROGRAM GRANT. In the 1999-2000 and 2000-01 fiscal years the
10 state technical college system board shall pay the amount appropriated to the board
11 under section 20.292 (1) (er) of the statutes, as created by this act, to the district
12 board governing Waukesha County Technical College for the development of its
13 printing program.

14 **SECTION 9148. Nonstatutory provisions; technology for educational**
15 **achievement in Wisconsin board.**

16 **SECTION 9149. Nonstatutory provisions; tourism.**

17 **SECTION 9150. Nonstatutory provisions; transportation.**

18 (1) MOTOR VEHICLE PURCHASE CONTRACT SERVICE FEES. Not later than January
19 1, 2000, the secretary of transportation shall review section Trans. 139.05 (8) of the
20 Wisconsin Administrative Code and consider the effects of that rule on motor vehicle
21 dealers and consumers.

22 (2) RICHARD I. BONG AIR MUSEUM. Of the amounts appropriated to the
23 department of transportation under section 20.395 (2) (nx) of the statutes, the
24 department shall award a grant of \$1,000,000 in fiscal year 1999-2000 to the city of
25 Superior for the purpose of constructing the Richard I. Bong air museum in Superior,

SENATE BILL 45**SECTION 9150**

1 except that the amount of the grant awarded under this subsection may not exceed
2 90% of the costs of constructing the air museum.

3 (3) MILWAUKEE LAKESHORE BICYCLE AND PEDESTRIAN FACILITIES GRANTS. The
4 department of transportation shall award grants from the appropriation under
5 section 20.395 (2) (ny) of the statutes, as created by this act, to the department of
6 natural resources for the purpose of constructing pedestrian and bicycle facilities
7 along Lake Michigan in the city of Milwaukee.

8 (4) STATEWIDE TRAUMA CARE SYSTEM TRANSFER. On July 1, 2001, there is
9 transferred from the appropriation account under section 20.395 (5) (dq) of the
10 statutes, as affected by this act, to the appropriation account under section 20.435
11 (1) (a) of the statutes, as affected by this act, the sum of \$64,900 for the purposes of
12 the statewide trauma care system under section 146.56 of the statutes, as affected
13 by this act.

14 (5) RAILROAD GRADE CROSSINGS COMMITTEE. There is created a railroad grade
15 crossings committee consisting of 2 members appointed by the secretary of
16 transportation and 2 members appointed by the office of commissioner of railroads.
17 Members shall be appointed within 45 days after the effective date of this subsection.
18 The committee shall review each railroad grade crossing in this state and, if the
19 committee determines that existing warning or safety devices or other conditions at
20 the railroad grade crossing do not adequately protect and promote public safety, may
21 recommend that the office of commissioner of railroads consider improvements to the
22 railroad grade crossing. Committee recommendations shall be made by a majority
23 of the committee members. If no majority of committee members agree on whether
24 to recommend a railroad grade crossing for improvements, the secretary of
25 transportation shall make that recommendation. A majority of committee members

SENATE BILL 45**SECTION 9150**

1 may reverse a recommendation made under this subsection by providing notice of the
2 reversal to the office of commissioner of railroads and the secretary of transportation.
3 The committee shall maintain a railroad grade crossings database, shall establish
4 threshold requirements for recommendations under this subsection and shall
5 recommend to the secretary of transportation desirable funding levels for the
6 railroad crossing improvement program. The committee shall cease to exist when
7 the committee has reviewed every railroad grade crossing in this state and made its
8 final recommendations, or on July 1, 2002, whichever occurs sooner.

9 (6) RADIO SERVICES POSITIONS. The authorized FTE positions for the department
10 of transportation are increased by 7.0 SEG positions, to be funded from the
11 appropriation under section 20.395 (5) (dq) of the statutes, as affected by this act, for
12 the performance of duties primarily related to radio services.

13 **SECTION 9151. Nonstatutory provisions; treasurer.**

14 (1) UNCLAIMED PROPERTY TRANSITIONAL PROVISION. The renumbering of section
15 177.01 (10) of the statutes and the creation of section 177.01 (10) (b) of the statutes
16 do not apply to abandoned property delivered to the state treasurer before the
17 effective date of this subsection.

18 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
19 **Hospitals and Clinics Authority.**

20 **SECTION 9153. Nonstatutory provisions; University of Wisconsin**
21 **Hospitals and Clinics Board.**

22 **SECTION 9154. Nonstatutory provisions; University of Wisconsin**
23 **System.**

24 (1) POSITION AUTHORIZATION.

SENATE BILL 45**SECTION 9154**

1 (a) Notwithstanding section 16.505 (1) of the statutes, as affected by this act,
2 during the 1999-2001 biennium, the board of regents of the University of Wisconsin
3 System may propose to increase its authorized FTE positions that are funded, in
4 whole or in part, with general purpose revenues by not more than 1% above the level
5 authorized for the board under section 16.505 (1) of the statutes, as affected by this
6 act. The board shall submit any proposal under this subsection to the secretaries of
7 administration and employment relations for approval, together with its
8 methodology for accounting for the cost of funding these positions. The secretaries
9 of administration and employment relations may only approve a proposal if the
10 incremental costs for these positions, as determined by the secretaries of
11 administration and employment relations, are not to be included in any subsequent
12 request submitted by the board under section 16.42 (1) of the statutes, as affected by
13 this act. If the secretaries of administration and employment relations jointly
14 approve the proposal, the positions are authorized.

15 (b) During the 1999-2001 biennium, the board may not include in any
16 certification to the department of administration under section 20.928 (1) of the
17 statutes any sum to pay any costs of a position authorized under this subsection.

18 (c) No later than the last day of the month following completion of each calendar
19 quarter, the board shall report to the secretaries of administration and employment
20 relations concerning the number of authorized positions under this subsection that
21 have been filled by the board during the preceding calendar quarter and the source
22 of funding for each such position.

23 (2) UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.
24 The board of regents of the University of Wisconsin System shall allocate \$1,000,000
25 in fiscal year 1999-2000 and \$1,000,000 in fiscal year 2000-01 from the

SENATE BILL 45**SECTION 9154**

1 appropriation under section 20.285 (1) (a) of the statutes, as affected by this act, to
2 advance the work of the University of Wisconsin center for tobacco research and
3 intervention in developing new educational programs to discourage tobacco use,
4 determining the most effective strategies for preventing tobacco use and expanding
5 smoking cessation programs throughout the state.

6 **SECTION 9155. Nonstatutory provisions; veterans affairs.**

7 **SECTION 9156. Nonstatutory provisions; World Dairy Center Authority.**

8 **SECTION 9157. Nonstatutory provisions; workforce development.**

9 (1) COMMUNITY YOUTH GRANT. Notwithstanding section 49.175 (1) (vL) of the
10 statutes, as created by this act, the Safe and Sound initiative in the city of Milwaukee
11 and Wisconsin Good Samaritan Project, Inc., shall receive grant moneys allocated
12 under section 49.175 (1) (vL) without participating in a competitive process.

13 (2) GOVERNOR'S WORK-BASED LEARNING BOARD.

14 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
15 liabilities of the department of workforce development primarily related to the
16 functions of the division of connecting education and work, as determined by the
17 secretary of administration, shall become the assets and liabilities of the governor's
18 work-based learning board.

19 (b) *Employe transfers.* On the effective date of this paragraph, all positions in
20 the department of workforce development that are primarily related to the division
21 of connecting education and work and the incumbent employes holding those
22 positions, as determined by the secretary of administration, are transferred to the
23 governor's work-based learning board.

24 (c) *Employe status.* Employes transferred under paragraph (b) have all the
25 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

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1 statutes in the governor’s work-based learning board that they enjoyed in the
2 division of connecting education and work in the department of workforce
3 development immediately before the transfer. Notwithstanding section 230.28 (4)
4 of the statutes, no employe so transferred who has attained permanent status in
5 class is required to serve a probationary period.

6 (d) *Tangible personal property.* On the effective date of this paragraph, all
7 tangible personal property, including records, of the department of workforce
8 development that is primarily related to the functions of the division of connecting
9 education and work, as determined by the secretary of administration, is transferred
10 to the governor’s work-based learning board.

11 (e) *Pending matters.* Any matter pending with the department of workforce
12 development on the effective date of this paragraph that is primarily related to the
13 division of connecting education and work, as determined by the secretary of
14 administration, is transferred to the governor’s work-based learning board. All
15 materials submitted to or actions taken by the department of workforce development
16 with respect to the pending matter are considered as having been submitted to or
17 taken by the governor’s work-based learning board.

18 (f) *Contracts.* All contracts entered into by the department of workforce
19 development in effect on the effective date of this paragraph that are primarily
20 related to the functions of the division of connecting education and work, as
21 determined by the secretary of administration, remain in effect and are transferred
22 to the governor’s work-based learning board. The governor’s work-based learning
23 board shall carry out any obligations under those contracts unless modified or
24 rescinded by the governor’s work-based learning board to the extent allowed under
25 the contract.

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1 (g) *Rules and orders.* All rules promulgated by the department of workforce
2 development in effect on the effective date of this paragraph that are primarily
3 related to the division of connecting education and work remain in effect until their
4 specified expiration date or until amended or repealed by the governor's work-based
5 learning board. All orders issued by the department of workforce development in
6 effect on the effective date of this paragraph that are primarily related to the division
7 of connecting education and work remain in effect until their specified expiration
8 date or until modified or rescinded by the governor's work-based learning board.

9 **SECTION 9158. Nonstatutory provisions; other.**

10 (1) DANE COUNTY REGIONAL PLANNING COMMISSION.

11 (a) Notwithstanding the composition of the membership of the Dane County
12 regional planning commission that is determined under section 66.945 (3) (b) of the
13 statutes and the terms for such regional planning commission members that are
14 determined under section 66.945 (3) (c) of the statutes, no commissioner of the Dane
15 County regional planning commission who holds office on the 30th day after the
16 effective date of this paragraph may remain in his or her office beyond that date
17 unless he or she is reappointed under paragraph (b).

18 (b) Beginning on the 31st day after the effective date of this paragraph, the
19 Dane County regional planning commission shall consist of the following members
20 who shall be appointed by the governor from the lists described under this paragraph
21 or from the list described under paragraph (c), or from a combination of the lists
22 under this paragraph and paragraph (c):

23 1. Two members from a list of at least 4 names submitted by an association
24 representing towns that is in existence on January 1, 1999. One of the members
25 appointed under this subdivision shall reside in a town located in western Dane

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1 County and the other member shall reside in a town that is located in eastern Dane
2 County.

3 2. Two members from a list of at least 4 names submitted jointly by an
4 association representing villages and by an association representing 3rd and 4th
5 class cities, both of which are in existence on January 1, 1999.

6 3. Two members from a list of at least 4 names submitted by the mayor of the
7 city of Madison.

8 4. Five members from a list of at least 8 Dane County board supervisors that
9 is submitted by the Dane County executive. From the list, at least 2 of the appointees
10 under this subdivision shall represent towns, no more than 2 of the appointees may
11 represent districts that are wholly or partially in the city of Madison, at least 2 of the
12 appointees shall represent districts in western Dane County and at least 2 of the
13 appointees shall represent districts in eastern Dane County.

14 (c) The governor may prepare a list of 5 individuals who shall have experience
15 in land use planning issues. The governor may make the appointments described
16 under paragraph (b) solely from the lists described under paragraph (b), or the
17 governor may make some of the appointments from the list created under this
18 paragraph.

19 (d) Notwithstanding the procedures for dissolution of a regional planning
20 commission that are specified under section 66.945 (15) of the statutes, the Dane
21 County regional planning commission shall be dissolved on December 31, 2001. All
22 unexpended funds of the commission on that date shall be applied to any outstanding
23 indebtedness of the commission. If any outstanding indebtedness of the commission
24 remains after the application of the unexpended funds to such debts, the remaining
25 indebtedness shall be assessed to Dane County. If the commission has no

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1 outstanding indebtedness and has unexpended funds, such funds shall be returned
2 to the cities, villages, towns or county that supplied them.

3 (e) Not later than July 1, 2001, the county board of every county that is not in
4 a regional planning commission and that is adjacent to Dane County, and the Dane
5 County board, shall vote on whether to participate in a new regional planning
6 commission under section 66.945 of the statutes. Such a regional planning
7 commission shall be created, on January 1, 2002, if at least two-thirds of the county
8 boards that may vote under this paragraph vote to participate in the creation of such
9 a regional planning commission.

10 (f) For the purposes of this subsection, the secretary of administration shall
11 determine the border between the eastern and western halves of Dane County.

12 (2) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

13 (a) *Assets and liabilities.*

14 1. On the effective date of this subdivision, all assets and liabilities of the
15 educational approval board primarily related to the approval of veterans education
16 and training shall become the assets and liabilities of the department of veterans
17 affairs.

18 2. On the effective date of this subdivision, all assets and liabilities of the
19 educational approval board not specified in subdivision 1. shall become the assets
20 and liabilities of the higher educational aids board.

21 3. The department of veterans affairs and the higher educational aids board
22 shall jointly determine the assets and liabilities transferred under subdivisions 1.
23 and 2. and shall jointly develop and implement a plan for the orderly transfer of the
24 assets and liabilities. In the event of any disagreement between the department and
25 the board, the secretary of administration shall decide the question.

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1 (b) *Employe transfers.*

2 1. On the effective date of this subdivision, 3.0 FTE FED positions in the
3 educational approval board, except for the executive secretary position, and the
4 incumbent employes holding those positions are transferred to the department of
5 veterans affairs.

6 2. On the effective date of this subdivision, 4.0 FTE PR positions and 1.0 FTE
7 PR project position in the educational approval board, except for the executive
8 secretary position, and the incumbent employes holding those positions are
9 transferred to the higher educational aids board.

10 3. The department of veterans affairs and the higher educational aids board
11 shall jointly determine the employes to be transferred under subdivisions 1. and 2.
12 and shall jointly develop and implement a plan for the orderly transfer of the
13 employes. In the event of any disagreement between the department and the board,
14 the secretary of administration shall decide the question.

15 (c) *Employe status.* Employes transferred under paragraph (b) have all the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of veterans affairs and the higher educational aids board
18 that they enjoyed in the educational approval board immediately before the transfer.
19 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Tangible personal property.*

22 1. On the effective date of this subdivision, all tangible personal property,
23 including records, of the educational approval board primarily related to the
24 approval of veterans education and training is transferred to the department of
25 veterans affairs.

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1 2. On the effective date of this subdivision, all tangible personal property,
2 including records, of the educational approval board that is not specified in
3 subdivision 1. is transferred to the higher educational aids board.

4 3. The department of veterans affairs and the higher educational aids board
5 shall jointly identify the tangible personal property, including records, and shall
6 jointly develop and implement a plan for the orderly transfer of the property. In the
7 event of any disagreement between the department and the board, the secretary of
8 administration shall decide the question.

9 (e) *Pending matters.* On the effective date of this paragraph, any matter
10 pending with the educational approval board that is primarily related to the
11 approval of veterans education and training is transferred to the department of
12 veterans affairs and any other pending matter is transferred to the higher
13 educational aids board. All materials submitted to or actions taken by the
14 educational approval board with respect to a pending matter are considered as
15 having been submitted to or taken by the department or the board to which the
16 matter was transferred under this paragraph.

17 (f) *Contracts.*

18 1. On the effective date of this subdivision, all contracts entered into by the
19 educational approval board primarily related to the approval of veterans education
20 and training, which are in effect on the effective date of this subdivision, remain in
21 effect and are transferred to the department of veterans affairs. The department of
22 veterans affairs shall carry out any such contractual obligations until modified or
23 rescinded by the department to the extent allowed under the contract.

24 2. On the effective date of this subdivision, all contracts entered into by the
25 educational approval board that are not specified in subdivision 1., which are in

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1 effect on the effective date of this subdivision, remain in effect and are transferred
2 to the higher educational aids board. The higher educational aids board shall carry
3 out any such contractual obligations until modified or rescinded by the board to the
4 extent allowed under the contract.

5 3. The department of veterans affairs and the higher educational aids board
6 shall jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly
7 develop and implement a plan for the orderly transfer of the contracts. In the event
8 of any disagreement between the department and the board, the secretary of
9 administration shall decide the question.

10 (g) *Rules and orders.*

11 1. All rules promulgated by the educational approval board that are in effect
12 on the effective date of this subdivision and that are primarily related to the approval
13 of veterans education and training remain in effect until their specified expiration
14 date or until amended or repealed by the department of veterans affairs. All orders
15 issued by the educational approval board that are in effect on the effective date of this
16 subdivision and that are primarily related to the approval of veterans education and
17 training remain in effect until their specified expiration date or until modified or
18 rescinded by the department of veterans affairs.

19 2. All rules promulgated by the educational approval board that are in effect
20 on the effective date of this subdivision and that are not specified in subdivision 1.
21 remain in effect until their specified expiration date or until amended or repealed by
22 the higher educational aids board. All orders issued by the educational approval
23 board that are in effect on the effective date of this subdivision and that are not
24 specified in subdivision 1. remain in effect until their specified expiration date or
25 until modified or rescinded by the higher educational aids board.

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1 (3) CULTURAL ARTS AUTHORITY. The legislative reference bureau shall prepare
2 legislation authorizing the creation of cultural arts authorities in cities with a
3 population of at least 150,000, based on instructions provided by the department of
4 administration. The final instructions for this legislation shall be submitted to the
5 legislative reference bureau by the department of administration not later than
6 March 1, 1999. The secretary of administration shall submit the proposed legislation
7 to the cochairpersons of the joint committee on finance no later than April 1, 1999.

8 (4) CONSOLIDATION OF STATE VEHICLE FLEET OPERATIONS.

9 (a) In this subsection:

10 1. "Department" means the department of administration.

11 2. "Secretary" means the secretary of administration.

12 (b) The department shall submit to the cochairpersons of the joint committee
13 on finance for consideration at the 4th quarterly meeting of the committee under
14 section 13.10 of the statutes to be held in 1999 an implementation plan for
15 consolidating the vehicle fleet management functions of the department of natural
16 resources with the corresponding functions of the department.

17 (c) The plan submitted under paragraph (b) may include provision for any of
18 the following on the effective date specified in the plan:

19 1. Transfer of the assets and liabilities of the department of natural resources
20 relating to its vehicle fleet management functions to the department.

21 2. Transfer of the tangible personal property, including records, of the
22 department of natural resources relating to its vehicle fleet management functions
23 to the department.

24 3. Transfer to the department of any authorized full-time equivalent position
25 of the department of natural resources relating to its vehicle fleet management

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1 functions. The plan shall include identification of the numbers, revenue sources and
2 types of any positions to be transferred from the department of natural resources to
3 the department under the plan.

4 4. Transfer to the department of any incumbent employes holding positions in
5 the department of natural resources relating to its vehicle fleet management
6 functions. Employes transferred under the plan have all the rights and the same
7 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
8 department that they enjoyed in the department of natural resources immediately
9 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe
10 so transferred who has attained permanent status in class is required to serve a
11 probationary period.

12 5. Transfer to the department of the contracts entered into by the department
13 of natural resources relating to its vehicle fleet management functions which are in
14 effect on the effective date of this subdivision. If the transfer occurs, the department
15 shall carry out any obligations under such a contract until modified or rescinded by
16 the department to the extent allowed under the contract.

17 6. Transfer to the department of any rules promulgated or orders issued by the
18 department of natural resources relating to its vehicle fleet management functions
19 which are in effect on the effective date of the plan. If the transfer occurs, any such
20 rules shall remain in effect until their specified expiration dates or until amended
21 or repealed by the department, and any such orders shall remain in effect until their
22 specified expiration dates or until modified or rescinded by the department.

23 7. Transfer to the department of any matter pending with the department of
24 natural resources relating to its vehicle fleet management functions. If the transfer
25 occurs, all materials submitted to or actions taken by the department of natural

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1 resources with respect to the pending matter are considered as having been
2 submitted to or taken by the department.

3 (d) The department shall submit to the cochairpersons of the joint committee
4 on finance for consideration at the 3rd quarterly meeting of the committee under
5 section 13.10 of the statutes in the year 2000 an implementation plan for
6 consolidating the vehicle fleet management functions of the department of
7 transportation and the University of Wisconsin-Madison with the corresponding
8 functions of the department.

9 (e) The plan submitted under paragraph (d) may include provision for any of
10 the following on the effective date specified in the plan:

11 1. Transfer of the assets and liabilities of the department of transportation and
12 the University of Wisconsin-Madison relating to their vehicle fleet management
13 functions to the department.

14 2. Transfer of the tangible personal property, including records, of the
15 department of transportation and the University of Wisconsin-Madison to the
16 department.

17 3. Transfer to the department of any authorized full-time equivalent position
18 of the department of transportation or the board of regents of the University of
19 Wisconsin System relating to vehicle fleet management functions of the department
20 of transportation or the University of Wisconsin-Madison. The plan shall include
21 identification of the numbers, revenue sources and types of any positions to be
22 transferred from the department of transportation or the board of regents of the
23 University of Wisconsin System under the plan.

24 4. Transfer to the department of any incumbent employes holding positions at
25 the department of transportation or the University of Wisconsin-Madison relating

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1 to vehicle fleet management functions. Employees transferred under the plan have
2 all the rights and the same status under subchapter V of chapter 111 and chapter 230
3 of the statutes that they enjoyed at the department of transportation or the
4 University of Wisconsin–Madison immediately before the transfer. Notwithstanding
5 section 230.08 (4) of the statutes, no employee so transferred who has attained
6 permanent status in class is required to serve a probationary period.

7 5. Transfer to the department of the contracts entered into by the department
8 of transportation and the board of regents of the University of Wisconsin System
9 relating to the vehicle fleet management functions of the department of
10 transportation and the University of Wisconsin–Madison which are in effect on the
11 effective date of this subdivision. If the transfer occurs, the department shall carry
12 out any obligations under such a contract until modified or rescinded by the
13 department to the extent allowed under the contract.

14 6. Transfer to the department of any rules promulgated or orders issued by the
15 department of transportation or the board of regents of the University of Wisconsin
16 System relating to the vehicle fleet management functions of the department of
17 transportation or the University of Wisconsin–Madison which are in effect on the
18 effective date of the plan. If the transfer occurs, any such rules shall remain in effect
19 until their specified expiration dates or until amended or repealed by the
20 department, and any such orders shall remain in effect until their specified
21 expiration dates or until modified or rescinded by the department.

22 7. Transfer to the department of any matter pending with the department of
23 transportation or the board of regents of the University of Wisconsin System relating
24 to the vehicle fleet management functions of the department of transportation or the
25 University of Wisconsin–Madison. If the transfer occurs, all materials submitted to

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1 or actions taken by the department of transportation or the board of regents of the
2 University of Wisconsin System with respect to the pending matter are considered
3 as having been submitted to or taken by the department.

4 (f) The joint committee on finance may approve or modify and approve the plans
5 submitted under paragraphs (b) and (d). If the committee approves a plan, with or
6 without modifications, the department may implement the plan on the effective date
7 of the plan as specified in the plan. If the committee does not approve either plan, the
8 department shall not implement that plan.

9 (g) Notwithstanding section 16.42 of the statutes, the departments of natural
10 resources and transportation and the board of regents of the University of Wisconsin
11 System shall submit information under section 16.42 of the statutes for purposes of
12 the 2001-2003 biennial budget bill reflecting any savings incurred from
13 consolidation of vehicle fleet management functions as the result of implementation
14 of a plan under this subsection.

15 (h) The departments of natural resources and transportation and the board of
16 regents of the University of Wisconsin System shall fully cooperate with the
17 department in implementing any plan approved under paragraph (f).

18 (5) TRANSFER OF INSTITUTIONAL ASSISTANCE PROGRAM. From the appropriation
19 under section 20.275 (1) (tr) of the statutes, as created by this act, the technology for
20 educational achievement in Wisconsin board shall provide support payments to the
21 institutions that the public service commission has, before the effective date of this
22 subsection, determined are eligible to receive support payments under the
23 institutional assistance program, as defined in SECTION 9141 (4) (a) 3. of this act, in
24 the amounts determined by the commission.

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1 (6) CAMPAIGN FINANCING AND ELECTIONS BOARD COMPOSITION. The legislative
2 reference bureau shall prepare proposed legislation relating to campaign finance
3 reform and composition of the elections board based upon instructions provided by
4 the department of administration. The final instructions for this proposed
5 legislation shall be submitted to the legislative reference bureau by the department
6 of administration no later than March 1, 1999. The secretary of administration shall
7 submit the proposed legislation to the cochairpersons of the joint committee on
8 finance no later than April 1, 1999.

9 **SECTION 9201. Appropriation changes; administration.**

10 (1) CONSOLIDATION OF APPROPRIATIONS.

11 (a) The unencumbered balance in the account for the appropriation to the
12 department of administration under section 20.505 (1) (kb) of the statutes, as
13 affected by this act, is transferred to the appropriation account under section 20.505
14 (1) (ka) of the statutes.

15 (b) The unencumbered balance in the account for the appropriation to the
16 department of administration under section 20.505 (1) (kd) of the statutes, as
17 affected by this act, is transferred to the appropriation account under section 20.505
18 (1) (ka) of the statutes.

19 (c) The unencumbered balance in the account for the appropriation to the
20 department of administration under section 20.505 (1) (kj) of the statutes, as affected
21 by this act, is transferred to the appropriation account under section 20.505 (1) (ka)
22 of the statutes.

23 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of administration under section 20.505 (1) (ka) of the statutes, as

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1 affected by the acts of 1999, the dollar amount is increased for fiscal year 1999-00
2 by the amount transferred under paragraph (a).

3 (e) In the schedule under section 20.005 (3) of the statutes for the appropriation
4 to the department of administration under section 20.505 (1) (ka) of the statutes, as
5 affected by the acts of 1999, the dollar amount is increased for fiscal year 1999-00
6 by the amount transferred under paragraph (b).

7 (f) In the schedule under section 20.005 (3) of the statutes for the appropriation
8 to the department of administration under section 20.505 (1) (ka) of the statutes, as
9 affected by the acts of 1999, the dollar amount is increased for fiscal year 1999-00
10 by the amount transferred under paragraph (c).

11 **SECTION 9202. Appropriation changes; adolescent pregnancy**
12 **prevention and pregnancy services board.**

13 **SECTION 9203. Appropriation changes; aging and long-term care**
14 **board.**

15 **SECTION 9204. Appropriation changes; agriculture, trade and**
16 **consumer protection.**

17 (1) PLANT PEST DETECTION. The unencumbered balance in the appropriation
18 account under section 20.115 (7) (j), 1997 stats., is transferred to the appropriation
19 account under section 20.115 (7) (ja) of the statutes, as created by this act.

20 (2) AGRICULTURAL CHEMICAL CLEANUP FUND TRANSFER. There is transferred from
21 the agricultural chemical cleanup fund to the general fund \$500,000 in fiscal year
22 1999-00 and \$500,000 in fiscal year 2000-01.

23 **SECTION 9205. Appropriation changes; arts board.**

24 **SECTION 9206. Appropriation changes; boundary area commission,**
25 **Minnesota-Wisconsin.**

SENATE BILL 45**SECTION 9207**

1 **SECTION 9207. Appropriation changes; building commission.**

2 **SECTION 9208. Appropriation changes; child abuse and neglect**
3 **prevention board.**

4 **SECTION 9209. Appropriation changes; circuit courts.**

5 **SECTION 9210. Appropriation changes; commerce.**

6 (1) PHYSICIAN AND HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAMS TRANSFER.

7 On the effective date of this subsection, the unencumbered balance of the
8 appropriation account to the department of commerce under section 20.143 (1) (f) of
9 the statutes, as affected by this act, immediately before the effective date of this
10 subsection is transferred to the appropriation account to the department of
11 commerce under section 20.143 (1) (kr) of the statutes, as affected by this act.

12 **SECTION 9211. Appropriation changes; corrections.**

13 (1) LAPSE FROM APPROPRIATION FOR INMATE PURCHASES. Notwithstanding section
14 20.001 (3) (a) of the statutes, on June 30, 2000, there is lapsed to the general fund
15 \$2,250,000 from the appropriation account of the department of corrections under
16 section 20.410 (1) (gt) of the statutes.

17 **SECTION 9212. Appropriation changes; court of appeals.**

18 **SECTION 9213. Appropriation changes; educational communications**
19 **board.**

20 **SECTION 9214. Appropriation changes; elections board.**

21 **SECTION 9215. Appropriation changes; employe trust funds.**

22 **SECTION 9216. Appropriation changes; employment relations**
23 **commission.**

24 **SECTION 9217. Appropriation changes; employment relations**
25 **department.**

SENATE BILL 45**SECTION 9218**

1 **SECTION 9218. Appropriation changes; ethics board.**

2 **SECTION 9219. Appropriation changes; financial institutions.**

3 **SECTION 9221. Appropriation changes; governor.**

4 **SECTION 9222. Appropriation changes; Health and Educational**
5 **Facilities Authority.**

6 **SECTION 9223. Appropriation changes; health and family services.**

7 (1) DRIVER IMPROVEMENT SURCHARGE LAPSE. Notwithstanding section 20.001 (3)
8 (c) of the statutes, on June 30, 2000, there is lapsed to the general fund \$850,000 from
9 the appropriation account of the department of health and family services under
10 section 20.435 (6) (hx) of the statutes, as affected by the acts of 1999.

11 **SECTION 9224. Appropriation changes; historical society.**

12 **SECTION 9225. Appropriation changes; Housing and Economic**
13 **Development Authority.**

14 (1) TRANSFER FROM WISCONSIN DEVELOPMENT RESERVE FUND TO ENVIRONMENTAL
15 FUND. On the effective date of this subsection, the executive secretary of the
16 Wisconsin Housing and Economic Development Authority shall transfer from the
17 Wisconsin development reserve fund under section 234.93 of the statutes, as affected
18 by this act, to the secretary of administration for deposit in the environmental fund
19 \$2,000,000 that was appropriated to the Wisconsin development reserve fund under
20 the appropriation to the Wisconsin Housing and Economic Development Authority
21 under section 20.490 (5) (t) of the statutes.

22 **SECTION 9226. Appropriation changes; insurance.**

23 **SECTION 9227. Appropriation changes; investment board.**

24 **SECTION 9228. Appropriation changes; joint committee on finance.**

25 **SECTION 9229. Appropriation changes; judicial commission.**

SENATE BILL 45**SECTION 9230****SECTION 9230. Appropriation changes; justice.**

(1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Of the unencumbered balance in the appropriation account under section 20.455 (2) (hm), 1997 stats., 90% is transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act, and 10% is transferred to the appropriation account under section 20.455 (2) (ku) of the statutes, as affected by this act.

(2) PENALTY ASSESSMENT RECEIPTS. Of the unencumbered balance in the appropriation account under section 20.455 (2) (i), 1997 stats., 90% is transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act, and 10% is transferred to the appropriation account under section 20.455 (2) (kq) of the statutes, as affected by this act.

SECTION 9231. Appropriation changes; legislature.**SECTION 9232. Appropriation changes; lieutenant governor.****SECTION 9233. Appropriation changes; lower Wisconsin state riverway board.****SECTION 9234. Appropriation changes; Medical College of Wisconsin.****SECTION 9235. Appropriation changes; military affairs.**

(1) REGIONAL EMERGENCY RESPONSE TEAMS. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection there is lapsed to the general fund \$177,400 from the appropriation account to the department of military affairs under section 20.465 (3) (dr) of the statutes, as affected by the acts of 1999.

SECTION 9236. Appropriation changes; natural resources.

(1) BEAVER CONTROL FUNDING. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of the subsection, there is lapsed to the fish and wildlife

SENATE BILL 45**SECTION 9236**

1 account of the conservation fund \$352,000 from the appropriation account under
2 section 20.370 (5) (cq) of the statutes.

3 (2) SPEARFISHING ENFORCEMENT. Notwithstanding section 20.001 (3) (c) of the
4 statutes, on the effective date of this subsection, there is lapsed to the general fund,
5 from the appropriation account to the department of natural resources under section
6 20.370 (5) (ea) of the statutes, as affected by this act, an amount equal to the
7 unencumbered balance in that appropriation account on the day before the effective
8 date of this subsection.

9 **SECTION 9237. Appropriation changes; personnel commission.**

10 **SECTION 9238. Appropriation changes; public defender board.**

11 (1) PUBLIC DEFENDER CONFERENCES AND TRAINING. Ninety percent of the
12 unencumbered balance in the appropriation account under section 20.550 (1) (kj) of
13 the statutes, as affected by this act, is transferred to the appropriation account under
14 section 20.505 (6) (j) of the statutes, as created by this act.

15 **SECTION 9239. Appropriation changes; public instruction.**

16 (1) ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety percent of the
17 unencumbered balance in the appropriation account under section 20.255 (1) (kd) of
18 the statutes, as affected by this act, is transferred to the appropriation account under
19 section 20.505 (6) (j) of the statutes, as created by this act.

20 (2) AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety
21 percent of the unencumbered balance in the appropriation account under section
22 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
23 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
24 act.

SENATE BILL 45**SECTION 9240**

1 **SECTION 9240. Appropriation changes; public lands, board of**
2 **commissioners of.**

3 **SECTION 9241. Appropriation changes; public service commission.**

4 **SECTION 9242. Appropriation changes; regulation and licensing.**

5 **SECTION 9243. Appropriation changes; revenue.**

6 (1) INVESTMENT AND LOCAL IMPACT FUND. There is transferred from the
7 investment and local impact fund to the appropriation account under section 20.566
8 (7) (g) of the statutes, as affected by the acts of 1999, an amount equal to the amount
9 expended from the appropriation account under section 20.566 (7) (g) of the statutes
10 during fiscal year 1998-99.

11 **SECTION 9244. Appropriation changes; secretary of state.**

12 **SECTION 9245. Appropriation changes; state fair park board.**

13 **SECTION 9246. Appropriation changes; supreme court.**

14 **SECTION 9247. Appropriation changes; technical college system.**

15 **SECTION 9248. Appropriation changes; technology for educational**
16 **achievement in Wisconsin board.**

17 **SECTION 9249. Appropriation changes; tourism.**

18 **SECTION 9250. Appropriation changes; transportation.**

19 (1) STATEWIDE PUBLIC SAFETY RADIO MANAGEMENT PROGRAM TRANSFERS.

20 (a) On July 31, 1999, or on the 30th day after the effective date of this
21 paragraph, whichever is later, there is transferred from the appropriation to the
22 department of transportation under section 20.395 (5) (dq) of the statutes, as affected
23 by the acts of 1999, to the appropriation to the department of transportation under
24 section 20.395 (5) (dk) of the statutes, as affected by the acts of 1999, the sum of
25 \$68,700.

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1 (b) On July 31, 1999, or on the 30th day after the effective date of this
2 paragraph, whichever is later, there is transferred from the appropriation to the
3 department of transportation under section 20.395 (3) (cq) of the statutes, as affected
4 by the acts of 1999, to the appropriation to the department of transportation under
5 section 20.395 (5) (dk) of the statutes, as affected by the acts of 1999, the sum of
6 \$32,400.

7 (c) On July 31, 2000, there is transferred from the appropriation to the
8 department of transportation under section 20.395 (5) (dq) of the statutes, as affected
9 by the acts of 1999, to the appropriation to the department of transportation under
10 section 20.395 (5) (dk) of the statutes, as affected by the acts of 1999, the sum of
11 \$68,700.

12 (d) On July 31, 2000, there is transferred from the appropriation to the
13 department of transportation under section 20.395 (3) (cq) of the statutes, as affected
14 by the acts of 1999, to the appropriation to the department of transportation under
15 section 20.395 (5) (dk) of the statutes, as affected by the acts of 1999, the sum of
16 \$32,400.

17 (2) HAZARDOUS MATERIALS TRANSPORTATION REGISTRATION FEES. Notwithstanding
18 section 20.002 (3m) of the statutes, on the effective date of this subsection, there is
19 lapsed to the transportation fund, from the appropriation account to the department
20 of transportation under section 20.395 (4) (bh) of the statutes, as affected by this act,
21 an amount equal to the unencumbered balance in that appropriation account on the
22 day before the effective date of this subsection.

23 **SECTION 9251. Appropriation changes; treasurer.**

24 **SECTION 9252. Appropriation changes; University of Wisconsin**
25 **Hospitals and Clinics Authority.**

SENATE BILL 45**SECTION 9253**

1 **SECTION 9253. Appropriation changes; University of Wisconsin**
2 **Hospitals and Clinics Board.**

3 **SECTION 9254. Appropriation changes; University of Wisconsin**
4 **System.**

5 **SECTION 9255. Appropriation changes; veterans affairs.**

6 **SECTION 9256. Appropriation changes; World Dairy Center Authority.**

7 **SECTION 9257. Appropriation changes; workforce development.**

8 (1) YOUTH APPRENTICESHIP GRANTS. In the schedule under section 20.005 (3) of
9 the statutes for the appropriation to the department of workforce development under
10 section 20.445 (7) (b) of the statutes, as affected by the acts of 1999, the dollar amount
11 is increased for fiscal year 1999-00 by an amount that is equal to the amount that
12 lapsed to the general fund at the end of the 1998-99 fiscal year from the
13 appropriation account under section 20.445 (1) (em) of the statutes.

14 (2) SCHOOL-TO-WORK PROGRAMS. The unencumbered balance in the
15 appropriation account under section 20.445 (1) (kb) of the statutes, as affected by this
16 act, immediately before the effective date of this subsection is transferred to the
17 appropriation account under section 20.445 (7) (kb) of the statutes, as created by this
18 act.

19 **SECTION 9258. Appropriation changes; other.**

20 **SECTION 9301. Initial applicability; administration.**

21 **SECTION 9302. Initial applicability; adolescent pregnancy prevention**
22 **and pregnancy services board.**

23 **SECTION 9303. Initial applicability; aging and long-term care board.**

24 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
25 **protection.**

SENATE BILL 45**SECTION 9304**

1 (1) LICENSE FEES FOR VEHICLE SCALE OPERATORS. The treatment of section 98.16
2 (2) (b) of the statutes first applies to licenses issued on the effective date of this
3 subsection.

4 (2) CONSUMER INFORMATION ASSESSMENTS. The treatment of sections 59.25 (3) (f)
5 2., 59.40 (2) (m), 66.119 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c) and (d), 66.12 (1)
6 (b), 100.261, 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a)
7 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2)
8 (b), 800.10 (2) (with respect to consumer information assessments), 800.12 (2),
9 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2) and 973.07 of the statutes first
10 applies to violations that occur on the effective date of this subsection.

11 **SECTION 9305. Initial applicability; arts board.**

12 **SECTION 9306. Initial applicability; boundary area commission,**
13 **Minnesota-Wisconsin.**

14 (1) MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION AND COMPACT
15 WITHDRAWAL. The treatment of sections 13.123 (3) (a) and 13.45 (3) (a) of the statutes
16 first applies to expenses incurred on the effective date of this subsection.

17 **SECTION 9307. Initial applicability; building commission.**

18 **SECTION 9308. Initial applicability; child abuse and neglect prevention**
19 **board.**

20 **SECTION 9309. Initial applicability; circuit courts.**

21 (1) LIABILITY OF CERTAIN SUBROGATED PLAINTIFFS. The treatment of sections 49.89
22 (2) and (3m) (bm), 803.03 (2) (b) and (bm) and 814.03 (3) of the statutes first applies
23 to actions or claims commenced on the effective date of this subsection.

SENATE BILL 45**SECTION 9309**

1 (2) COSTS AND DISBURSEMENTS. The treatment of sections 814.04 (1) (a) and (b)
2 and (2) and 814.07 of the statutes first applies to actions commenced on the effective
3 date of this subsection.

4 **SECTION 9310. Initial applicability; commerce.**

5 (1) DEVELOPMENT ZONES CREDITS FOR JOBS CREATED OR RETAINED. The treatment
6 of sections 71.07 (2dx) (b) 4., 71.28 (1dx) (b) 4., 71.47 (1dx) (b) 4. and 560.785 (1) (b)
7 (intro.), 1. and 2., (bm), (c) (intro.) and (e) of the statutes first applies to taxable years
8 beginning on January 1, 2000.

9 (2) MAKING AN EXCEPTION RELATED TO THE DEFINITION OF FULL-TIME JOB. The
10 treatment of section 560.785 (2) (c) of the statutes first applies to taxable years
11 beginning on January 1, 2000.

12 (3) PETROLEUM STORAGE REMEDIAL ACTION PROGRAM INTEREST REIMBURSEMENT.
13 The treatment of section 101.143 (4) (c) 8. of the statutes first applies to interest
14 incurred on the effective date of this subsection on claims submitted under section
15 101.143 (3) of the statutes on the effective date of this subsection.

16 (4) PETROLEUM STORAGE REMEDIAL ACTION PROGRAM DEDUCTIBLES. The treatment
17 of section 101.143 (4) (d) 2. (intro.) and (dg) and (dm) 2. a. of the statutes first applies
18 to owners and operators who begin activities under section 101.143 (3) (c) 3. or (g) of
19 the statutes on the effective date of this subsection.

20 (5) PETROLEUM STORAGE REMEDIAL ACTION PROGRAM MAXIMUM AWARDS. The
21 treatment of section 101.143 (4) (d) 2. a., b. and d. of the statutes first applies to a
22 claimant whose remedial action plan is approved under section 101.143 (3) (cs) of the
23 statutes, as created by this act, on the effective date of this subsection.

24 **SECTION 9311. Initial applicability; corrections.**

SENATE BILL 45**SECTION 9311**

1 (1) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
2 section 301.029 of the statutes first applies to contracts entered into or renewed by
3 the department of corrections on the effective date of this subsection.

4 (2) SECURED GROUP HOMES. The renumbering and amendment of section 48.66
5 (1) of the statutes, the amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 20.410
6 (3) (ho), 46.036 (4) (a), 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a),
7 48.66 (2m) (am), 48.66 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715
8 (2) (a), 48.715 (2) (b), 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1)
9 (d) 3., 51.05 (2), 51.35 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g),
10 73.0301 (1) (d) 2., 115.81 (9) (c), 118.125 (4), 165.76 (1) (a), 165.76 (2) (b) 2., 252.15
11 (1) (ab), 252.15 (2) (a) 7. a., 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03
12 (10) (e), 301.03 (10) (f), 301.08 (1) (b) 3., 301.205, 301.26 (4) (c), 301.26 (4) (cm) 1.,
13 301.26 (4) (cm) 2., 301.26 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.263 (3), 301.36
14 (1), 301.37 (1), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02
15 (15g), 938.02 (15m), 938.02 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a)
16 1., 938.08 (3) (a) 2., 938.08 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22
17 (title), 938.22 (1) (a), 938.22 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22
18 (3) (b), 938.22 (7) (a), 938.22 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.),
19 938.33 (3) (a), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b),
20 938.34 (8d) (c), 938.345 (1) (a), 938.355 (1), 938.357 (3), 938.357 (4) (a), 938.357 (4g)
21 (a), 938.357 (4g) (b), 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a),
22 938.48 (4), 938.51 (1) (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.533 (3) (a), 938.535,
23 938.538 (3) (a) 1., 938.538 (3) (a) 1m., 938.538 (3) (a) 1p., 938.538 (4) (a), 938.57 (1)
24 (c), 938.57 (4), 938.59 (1), 938.78 (3), 939.635 (1), 939.635 (2) (b), 940.20 (2m) (a) 1.,
25 946.42 (1) (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7)

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1 (b), 973.013 (3m), 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am),
2 980.02 (4) (b) and 980.04 (1) of the statutes and the creation of sections 51.01 (14k),
3 51.01 (14m), 51.01 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and
4 938.02 (15p) of the statutes first apply to delinquent acts committed on the effective
5 date of this subsection.

6 **SECTION 9312. Initial applicability; court of appeals.**

7 **SECTION 9313. Initial applicability; educational communications**
8 **board.**

9 **SECTION 9314. Initial applicability; elections board.**

10 **SECTION 9315. Initial applicability; employe trust funds.**

11 (1) REFUNDS. The treatment of section 40.08 (6) (e) of the statutes first applies
12 to moneys refunded or credited on the effective date of this subsection.

13 (2) UNDERPAYMENTS. The treatment of section 40.08 (7) (c) of the statutes first
14 applies to annuity payments occurring on the effective date of this subsection.

15 (3) SOCIAL SECURITY INTEGRATED ANNUITY. The treatment of section 40.24 (1) (e)
16 of the statutes first applies to the calculation of death benefits of an annuitant in the
17 Wisconsin retirement system who dies on the effective date of this subsection.

18 **SECTION 9316. Initial applicability; employment relations commission.**

19 (1) GRIEVANCE ARBITRATION. The treatment of sections 111.09 (2m), 111.71 (2m)
20 and 111.94 (2m) of the statutes first applies to requests for arbitration under sections
21 111.10, 111.70 (4) (c) 2. or (cm) 4. and 111.86 of the statutes on the effective date of
22 this subsection.

23 (2) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES; PROVISION OF EDUCATIONAL
24 PROGRAMS. The treatment of section 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes
25 first applies to collective bargaining agreements for which notices of commencement

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1 of contract negotiations have been filed with the employment relations commission
2 under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

3 **SECTION 9317. Initial applicability; employment relations department.**

4 **SECTION 9318. Initial applicability; ethics board.**

5 **SECTION 9319. Initial applicability; financial institutions.**

6 **SECTION 9321. Initial applicability; governor.**

7 **SECTION 9322. Initial applicability; Health and Educational Facilities**
8 **Authority.**

9 **SECTION 9323. Initial applicability; health and family services.**

10 (1) DURATION OF CERTAIN ORDERS OF COMMITMENT OF PRISON INMATES. The
11 treatment of section 51.20 (13) (g) 2f. and 2g. of the statutes first applies to
12 proceedings in which a petition is filed under section 51.20 (1) of the statutes on the
13 effective date of this subsection.

14 (2) SUPERVISED RELEASE AND PERIODIC REEXAMINATION OF SEXUALLY VIOLENT
15 PERSONS.

16 (a) *Initial commitment orders.* The amendment of sections 980.06 (2) (a), (b),
17 (c) and (d) and 980.065 (1m) of the statutes and the creation of section 980.06 (2) (bt),
18 (cm) 1., (cr), (cs), (ct), (cu) and (cv) of the statutes first apply to initial commitment
19 orders in cases in which judgment is entered under section 980.05 (5) of the statutes
20 on the effective date of this paragraph.

21 (b) *Periodic reexamination.* The treatment of section 980.07 (1) of the statutes
22 (with respect to the determination to be made at the time of reexamination) first
23 applies to examinations of a sexually violent person that occur on the effective date
24 of this paragraph.

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1 (c) *Petitions for supervised release.* The renumbering and amendment of
2 section 980.08 (4) (with respect to the standard for granting or denying a petition for
3 supervised release) and (5) of the statutes, the amendment of section 980.08 (3) of the
4 statutes (with respect to the requirements for an examiner’s report) and the creation
5 of section 980.08 (4) (c) and (5) (c) 1., (d), (de), (dm), (ds) and (e) of the statutes first
6 apply to petitions for supervised release filed on the effective date of this paragraph.

7 (3) **COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS.** The treatment of
8 section 50.035 (7) (c) of the statutes first applies to applications for admission to a
9 community-based residential facility made on the effective date of this subsection.

10 (4) **ELIGIBILITY FOR COVERAGE UNDER THE HEALTH INSURANCE RISK-SHARING PLAN.**
11 The renumbering and amendment of section 149.12 (2) (d) of the statutes and the
12 creation of section 149.12 (2) (d) 2. of the statutes (with respect to a person who has
13 coverage under the health insurance risk-sharing plan when he or she attains age
14 65) first apply to persons who attain age 65 on the effective date of this subsection.

15 (5) **TRANSFERS BY LIABLE PROVIDERS OF MEDICAL ASSISTANCE.** The treatment of
16 sections 49.45 (21) (a) and (b) and 50.03 (13) (a) of the statutes first applies to sales
17 or other transfers completed on the effective date of this subsection.

18 (6) **FALSE CLAIMS OR STATEMENTS BY PROVIDERS OF MEDICAL ASSISTANCE.** The
19 treatment of section 49.489 of the statutes first applies to violations of section 49.489
20 (2) or (3) of the statutes, as created by this act, that occur on the effective date of this
21 subsection.

22 (7) **DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE.** The
23 treatment of section 49.45 (2) (a) 12. of the statutes first applies to violations of
24 federal statutes or regulations or state statutes or rules committed on the effective
25 date of this subsection.

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1 (8) SANCTIONS FOR NONCOMPLIANCE BY PROVIDERS OF MEDICAL ASSISTANCE. The
2 treatment of section 49.45 (2) (a) 13. of the statutes first applies to instances of
3 noncompliance with conditions of participation or terms of reimbursement or
4 certification criteria that occur on the effective date of this subsection.

5 (9) TRANSFER OF RADIATION INSTALLATION. The treatment of section 254.35 (2) of
6 the statutes first applies to transfers of radiation installations that are made 16 days
7 after the effective date of this subsection.

8 (10) FORFEITURES FOR RADIATION VIOLATIONS. The treatment of section 254.45 of
9 the statutes first applies to violations committed on the effective date of this
10 subsection.

11 (11) ESTATE RECOVERY.

12 (a) The treatment of section 49.496, (2) (title), (a), (b) 3., (c) 1., (f) 3. and 4. and
13 (h) of the statutes first applies with respect to an individual who received medical
14 assistance on the effective date of this paragraph.

15 (b) The treatment of section 49.496 (3) (a) 2. d. of the statutes first applies with
16 respect to services provided under section 49.46 (2) (b) 6. j. of the statutes on the
17 effective date of this paragraph.

18 **SECTION 9324. Initial applicability; historical society.**

19 **SECTION 9325. Initial applicability; Housing and Economic**
20 **Development Authority.**

21 **SECTION 9326. Initial applicability; insurance.**

22 (1) POINT-OF-SERVICE COVERAGE. The treatment of sections 111.91 (2) (r) and
23 609.23 of the statutes first applies to all of the following:

24 (a) Except as provided in paragraph (b), managed care plans that are issued
25 or renewed on the effective date of this paragraph.

SENATE BILL 45**SECTION 9326**

1 (b) Managed care plans covering employes who are affected by a collective
2 bargaining agreement containing provisions inconsistent with sections 111.91 (2) (r)
3 and 609.23 of the statutes that are issued or renewed on the earlier of the following:

4 1. The day on which the collective bargaining agreement expires.

5 2. The day on which the collective bargaining agreement is extended, modified
6 or renewed.

7 **SECTION 9327. Initial applicability; investment board.**

8 **SECTION 9328. Initial applicability; joint committee on finance.**

9 **SECTION 9329. Initial applicability; judicial commission.**

10 **SECTION 9330. Initial applicability; justice.**

11 **SECTION 9331. Initial applicability; legislature.**

12 **SECTION 9332. Initial applicability; lieutenant governor.**

13 **SECTION 9333. Initial applicability; lower Wisconsin state riverway**
14 **board.**

15 **SECTION 9334. Initial applicability; Medical College of Wisconsin.**

16 **SECTION 9335. Initial applicability; military affairs.**

17 **SECTION 9336. Initial applicability; natural resources.**

18 (1) WILD ANIMAL FARM LICENSE FEES AND SURCHARGES. The treatment of section
19 29.563 (9) (a) 2., 3., 5. and 10., (b) and (c) of the statutes first applies to licenses issued
20 on the effective date of this subsection.

21 (2) BONUS DEER HUNTING PERMITS. The treatment of sections 29.181 (2m), 29.559
22 (1r) and 29.563 (14) (c) 4. of the statutes first applies to bonus deer hunting permits
23 issued on the effective date of this subsection.

24 (3) ODOMETERS AND HOUR METERS ON SNOWMOBILES, ALL-TERRAIN VEHICLES AND
25 BOATS. The treatment of sections 100.48 (1) (b), (2) and (3) (a) and 347.415 (1m) and

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1 (2) of the statutes first applies to offenses committed on the effective date of this
2 subsection.

3 (4) SNOWMOBILE TRAIL USE STICKERS. The treatment of section 350.12 (3j) (b) of
4 the statutes first applies to snowmobile trail use stickers issued on the effective date
5 of this subsection.

6 (5) BOAT CERTIFICATION AND REGISTRATION PERIODS. The treatment of section
7 30.52 (2) and (3) (b), (c), (d), (e), (f), (fm), (h), (i) and (im) of the statutes first applies
8 to certificates of number or registration issued or renewed on the effective date of the
9 subsection.

10 (6) NATURAL RESOURCES LAW VIOLATION. The treatment of section 23.38 (1) and (3)
11 to (8) of the statutes first applies to information provided to the department of
12 natural resources on the effective date of this subsection.

13 (7) CONDEMNATION AUTHORITY. The treatment of sections 13.48 (16), 23.09 (2)
14 (d) (intro.) and 8., 23.27 (5), 27.01 (2) (a), 28.02 (2), 30.18 (8) and 32.02 (1) and (16)
15 of the statutes, the renumbering and amendment of section 32.185 of the statutes
16 and the creation of section 32.185 (2) of the statutes first apply to acquisitions of
17 property that occur on the effective date of this subsection.

18 (8) FISH AND GAME APPROVALS. The treatment of section 29.563 (2) (a) 1., 5., 6.,
19 7. and 8., (b) 1., 2., 3., 4., 5., 6. and 7., (c) 1., (d) and (e) 1. and 2., (3) (a) 1. and 3., (b)
20 1., 2., 3., 4. and 5., (c) 1. and 2. and (d) 1. and (12) (a) 3. and 4. and (b) of the statutes
21 first applies to approvals issued on the effective date of this subsection.

22 **SECTION 9337. Initial applicability; personnel commission.**

23 **SECTION 9338. Initial applicability; public defender board.**

24 **SECTION 9339. Initial applicability; public instruction.**

SENATE BILL 45**SECTION 9339**

1 (1) SCHOOL DISTRICT REFERENDA. The treatment of sections 24.66 (3) (b) and (4)
2 (b), 66.504 (2), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2) and
3 121.91 (3) (a) of the statutes and the renumbering and amendment of section 24.66
4 (4) of the statutes first apply with respect to referenda called on the effective date of
5 this subsection.

6 (2) INTERDISTRICT TRANSFER PUPILS. The treatment of sections 121.004 (7) (a)
7 (intro.) and (f), 121.05 (1) (a) 11. and 121.85 (6) (a) 2., (b) 1. and (f) of the statutes first
8 applies to state aid paid in the 2000–01 school year.

9 (3) DISTRIBUTION OF SCHOOL AID AND REVENUE LIMITS. The treatment of sections
10 121.07 (7) (b), 121.105 (2) (a) 1. and 3., 121.90 (2) (intro.), 121.905 (3) (a) 1., 121.91
11 (3) (d) and 121.92 (title), (1) and (2) (a), (b) and (e) of the statutes, the renumbering
12 and amendment of section 121.905 (4) of the statutes and the creation of section
13 121.905 (4) (b) 2. of the statutes first apply to the distribution of school aid in, and
14 to the revenue limits for, the 1999–2000 school year.

15 (4) HANDICAPPED EDUCATION AID REIMBURSEMENT. The treatment of sections
16 115.88 (1m) (a) and (b) and (2), 115.882, 115.93 (1) and (2) and 118.255 (4) of the
17 statutes first applies to state aid paid in the 1999–2000 school year.

18 (5) STATE AID CALCULATION. The treatment of sections 121.05 (1) (a) 4. and 9. and
19 121.07 (1) (a) of the statutes first applies to state aid distributed in the 1999–2000
20 school year.

21 **SECTION 9340. Initial applicability; public lands, board of**
22 **commissioners of.**

23 (1) PERMIT AREA AND REVOCATION. The treatment of section 170.12 (6) (a) of the
24 statutes first applies to permits issued under section 170.12 (6) of the statutes on the
25 effective date of this subsection.

SENATE BILL 45**SECTION 9341****1 SECTION 9341. Initial applicability; public service commission.**

2 (1) PROHIBITIONS REGARDING CERTAIN PROCEEDINGS. The treatment of section
3 196.315 of the statutes first applies to filings that are made on the effective date of
4 this subsection.

5 (2) SUBMITTAL OF INFORMATION. The treatment of section 196.02 (7m) of the
6 statutes first applies to information that is required to be submitted on the effective
7 date of this subsection.

8 (3) PUBLIC RECORD EXCEPTION. The renumbering and amendment of section
9 196.14 of the statutes and the creation of section 196.14 (2) of the statutes first apply
10 to information that is submitted on the effective date of this subsection.

11 (4) TARIFF FILINGS. The treatment of sections 196.19 (1m) (b) and (e) and 196.77
12 of the statutes first applies to tariffs filed on the effective date of this subsection.

13 SECTION 9342. Initial applicability; regulation and licensing.

14 (1) REGISTRATION OF CEMETERY AUTHORITIES AND CEMETERY SALESPERSONS. The
15 treatment of sections 440.91 (1), (2) (intro.), (a), (b) and (c), (7) and (8) and 440.95 (2)
16 of the statutes first applies to sales or solicitations that are made in the first calendar
17 year beginning after the effective date of this subsection.

18 (2) HEARING INSTRUMENT SPECIALIST LICENSES. The treatment of sections 440.08
19 (2) (a) 38. and 459.09 of the statutes first applies to hearing instrument specialist
20 licenses that expire on February 1, 2000.

21 SECTION 9343. Initial applicability; revenue.

22 (1) HOMESTEAD CREDIT, WISCONSIN WORKS. The treatment of section 71.54 (2) (a)
23 (intro.) of the statutes first applies to taxable years beginning on January 1 of the
24 year in which this subsection takes effect, except that if this subsection takes effect
25 after July 31, the treatment of section 71.54 (2) (a) (intro.) of the statutes first applies

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1 to taxable years beginning on January 1 of the year following the year in which this
2 subsection takes effect.

3 (2) DEVELOPMENT ZONES JOBS CREDIT, CERTIFICATION REQUIREMENT. The treatment
4 of sections 71.07 (2dj) (am) 3., 71.28 (1dj) (am) 3. and 71.47 (1dj) (am) 3. of the statutes
5 first applies to taxable years beginning on January 1 of the year in which this
6 subsection takes effect, except that if this subsection takes effect after July 31 the
7 treatment of sections 71.07 (2dj) (am) 3., 71.28 (1dj) (am) 3. and 71.47 (1dj) (am) 3.
8 of the statutes first applies to taxable years beginning on January 1 of the year
9 following the year in which this subsection takes effect.

10 (3) TUITION EXPENSE DEDUCTION, LIMITATIONS AND PRORATION. The treatment of
11 section 71.05 (6) (b) 28. f. of the statutes first applies to taxable years beginning on
12 January 1 of the year in which this subsection takes effect, except that if this
13 subsection takes effect after July 31 the treatment of section 71.05 (6) (b) 28. f. of the
14 statutes first applies to taxable years beginning on January 1 of the year following
15 the year in which this subsection takes effect.

16 (4) ITEMIZED DEDUCTION CREDIT, EDUCATIONAL EXPENSES. The treatment of section
17 71.07 (5) (a) 8. of the statutes first applies to taxable years beginning on January 1
18 of the year in which this subsection takes effect, except that if this subsection takes
19 effect after July 31 the treatment of section 71.07 (5) (a) 8. of the statutes first applies
20 to taxable years beginning on January 1 of the year following the year in which this
21 subsection takes effect.

22 (5) TREATMENT OF DEDUCTIONS FOR REPAYMENTS OF SUPPLEMENTAL UNEMPLOYMENT
23 COMPENSATION FOR NONRESIDENTS. The treatment of section 71.05 (6) (a) 12. of the
24 statutes (as it relates to repayments of supplemental unemployment compensation)
25 first applies to taxable years beginning on January 1 of the year in which this

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1 subsection takes effect, except that if this subsection takes effect after July 31 the
2 treatment of section 71.05 (6) (a) 12. of the statutes (as it relates to repayments of
3 supplemental unemployment compensation) first applies to taxable years beginning
4 on January 1 of the year following the year in which this subsection takes effect.

5 (6) REFUND TO INDIAN TRIBES OF CIGARETTE TAXES. The treatment of section
6 139.323 (intro.) of the statutes first applies to taxes imposed on the first day of the
7 2nd month commencing after the effective date of this subsection.

8 (7) CHANGE OF TOBACCO PRODUCTS TAX TO EXCISE TAX. The treatment of sections
9 139.76 (1) and (2), 139.803, 139.805 and 139.82 (8) of the statutes first applies to
10 claims for refunds of tobacco product taxes filed and to tobacco product taxes imposed
11 on the first day of the 2nd month commencing after the effective date of this
12 subsection.

13 (8) SALES AND USE TAX LATE FILING FEE. The treatment of section 77.60 (2) (intro.)
14 of the statutes first applies to returns that are filed for periods beginning after
15 September 30, 1999.

16 (9) INCOME TAX REFUNDS; FORMERLY MARRIED PERSONS. The treatment of section
17 71.75 (8) of the statutes first applies to a judgment of divorce that is entered on the
18 effective date of this subsection.

19 (10) CHARGING BACK REFUNDED OR RESCINDED PROPERTY TAXES. The treatment of
20 section 74.41 (1) (intro.) of the statutes first applies to property taxes that are levied
21 based on assessments that are made as of January 1, 1999.

22 (11) FAILURE TO REPORT INFORMATION REGARDING COMPUTER EXEMPTION. The
23 treatment of section 70.36 (1m) of the statutes first applies to failures to include
24 information on property that is exempt under section 70.11 (39) of the statutes on a
25 report under section 70.35 of the statutes that relates to January 1, 1999.

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1 (12) CAR LINE COMPANIES, RATE OF TAXATION. The treatment of section 76.39 (2)
2 of the statutes first applies to taxable years beginning on January 1 of the year in
3 which this subsection takes effect, except that if this subsection takes effect after
4 July 31 the treatment of section 76.39 (2) of the statutes first applies to taxable years
5 beginning on January 1 of the year following the year in which this subsection takes
6 effect.

7 (13) TRANSFER OF CONTAMINATED LANDS. The treatment of section 75.17 of the
8 statutes first applies to land for which a tax certificate is issued on the effective date
9 of this subsection.

10 (14) CHARGE-BACK OF CANCELED DELINQUENT PROPERTY TAXES. The treatment of
11 section 75.105 (3) of the statutes first applies to taxable years beginning on January
12 1 of the year in which this subsection takes effect, except that if this subsection takes
13 effect after July 31 the treatment of section 75.105 (3) of the statutes first applies to
14 taxable years beginning on January 1 of the year following the year in which this
15 subsection takes effect.

16 (15) EARNED INCOME TAX CREDIT, WISCONSIN WORKS. The treatment of section
17 71.07 (9e) (af) (intro.) and (afm) of the statutes first applies to taxable years
18 beginning on January 1, 2001.

19 (16) COLLECTED TAXES RETAINED BY THE STATE. The treatment sections 20.835 (4)
20 (g) and 77.76 (3) and (4) of the statutes first applies to the distribution of county sales
21 tax revenues to counties on the first day of the first month beginning after
22 publication.

23 (17) CONSOLIDATED RETURNS. The treatment of sections 71.25 (5) (a) 9. and 10.
24 and (b) 2., 71.255, 71.26 (3) (L), 71.29 (2), 71.44 (1) (e), 71.48 and 71.84 (2) (a) of the
25 statutes first applies to taxable years beginning on January 1 of the year in which

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1 this subsection takes effect, except that if this subsection takes effect after July 31
2 the treatment of sections 71.25 (5) (a) 9. and 10. and (b) 2., 71.255, 71.26 (3) (L), 71.29
3 (2), 71.44 (1) (e), 71.48 and 71.84 (2) (a) of the statutes first applies to taxable years
4 beginning on January 1 of the year following the year in which this subsection takes
5 effect.

6 (18) ACTIVITIES THAT DO NOT CREATE NEXUS. The treatment of section 71.23 (3)
7 (d) of the statutes first applies to taxable years beginning on January 1 of the year
8 in which this subsection takes effect, except that if this subsection takes effect after
9 July 31 the treatment of section 71.23 (3) (d) of the statutes first applies to taxable
10 years beginning on January 1 of the year following the year in which this subsection
11 takes effect.

12 (19) FARMLAND PRESERVATION CREDIT.

13 (a) The treatment of sections 20.835 (2) (dm), 71.07 (3), 71.10 (4) (i), 71.28 (2),
14 71.30 (3) (f), 71.47 (2), 71.49 (1) (f), 71.58 (8), 71.59 (1) (a) and (b) (intro.) and (2)
15 (intro.), 71.60 (1) (a) and (b) and 71.605 of the statutes first applies to taxable years
16 beginning after December 31, 1998.

17 (b) The treatment of section 71.59 (1) (b) 5. and (d) (intro.) and 1. of the statutes
18 first applies to taxable years beginning on January 1, 2001.

19 (20) MODIFICATION OF THE INDIVIDUAL INCOME TAX SYSTEM. The treatment of
20 sections 71.01 (16), 71.05 (6) (b) 21. and 71.07 (5) (a) 7. of the statutes first applies
21 to taxable years beginning on January 1, 2000.

22 (21) APPEALS TO THE DEPARTMENT OF REVENUE. The treatment of sections 70.64
23 (title), (1) to (3) (a) and (5) to (12), 70.75 (6) and 70.85 (4) (c) of the statutes first applies
24 to appeals of assessments as of January 1, 2000.

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1 (22) TAX APPEALS COMMISSION. The treatment of section 73.01 (1) (b), (3) (a) and
2 (4) (a), (am), (b), (dn) and (e) (intro.) of the statutes first applies to appeals filed for
3 taxable years beginning on January 1, 2000.

4 **SECTION 9344. Initial applicability; secretary of state.**

5 **SECTION 9345. Initial applicability; state fair park board.**

6 **SECTION 9346. Initial applicability; supreme court.**

7 **SECTION 9347. Initial applicability; technical college system.**

8 (1) STATEWIDE GUIDE. The treatment of sections 20.292 (1) (d) and 38.28 (2) (b)
9 5. of the statutes first applies to state aid paid in the 1999–2000 fiscal year.

10 **SECTION 9348. Initial applicability; technology for educational**
11 **achievement in Wisconsin board.**

12 **SECTION 9349. Initial applicability; tourism.**

13 (1) CONFIDENTIALITY OF CUSTOMER LISTS. The treatment of section 41.11 (4m) of
14 the statutes first applies to requests for information from customer lists that are
15 received on the effective date of this subsection.

16 **SECTION 9350. Initial applicability; transportation.**

17 (1) CAMPING TRAILER REGISTRATION FEES. The treatment of section 341.25 (1) (gd)
18 and (i) of the statutes first applies to applications that are submitted to the
19 department of transportation on the effective date of this subsection.

20 (2) LATE PAYMENT FEES FOR TELEPHONIC MOTOR TRUCK REGISTRATION. The
21 treatment of section 341.19 (1) (b) of the statutes first applies to fees owed for using
22 the telephone call-in procedure under section 341.19 of the statutes on the effective
23 date of this subsection.

24 (3) PORTABLE SCALE CERTIFICATION. The treatment of sections 348.01 (2) (aj) and
25 348.15 (5) (intro.) of the statutes first applies to offenses committed on the effective

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1 date of this subsection, but does not preclude the counting of other convictions as
2 prior convictions for purposes of imposing a penalty.

3 (4) SERVICE-OF-PROCESS FEES. The treatment of section 345.09 (2) of the statutes
4 first applies to processes and notices served upon the secretary of transportation
5 under section 345.09 (1) of the statutes on the effective date of this subsection.

6 (5) DRIVING SKILLS TEST FEE. The treatment of section 343.21 (2) of the statutes
7 first applies to applications for an operator's license or endorsement submitted to the
8 department of transportation on October 1, 1999.

9 (6) IMPLIED CONSENT HEARINGS DISCOVER. The treatment of section 343.305 (9)
10 (a) (intro.) and (am) (intro.) of the statutes first applies to violations committed on
11 the effective date of this subsection.

12 (7) INDIRECT COST REIMBURSEMENT. The treatment of section 20.395 (4) (ay) of
13 the statutes first applies to reimbursements of costs incurred on the effective date
14 of this subsection.

15 (8) GENERAL TRANSPORTATION AIDS; TRAFFIC POLICE COSTS. The treatment of
16 section 86.303 (6) (c) 4. and (cm) of the statutes first applies to aids payable in
17 calendar year 2000.

18 (9) URBAN MASS TRANSIT OPERATING ASSISTANCE PROGRAM. The treatment of
19 section 85.20 (4m) (a) (intro.) and (b) 1. of the statutes first applies to aid allocations
20 or aid contracts for urban mass transit system operating expenses for calendar year
21 2000.

22 (10) WEIGHT LIMITS FOR MILK TRUCKS. The treatment of section 348.15 (3) (bg)
23 of the statutes first applies to motor vehicles operated on the effective date of this
24 subsection.

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1 (11) FEES FOR COURT ORDERS SUSPENDING OR REVOKING OPERATING PRIVILEGES. The
2 treatment of section 85.135 of the statutes first applies to operating privileges that
3 are ordered suspended or revoked on the effective date of the rule promulgated under
4 that section.

5 (12) RAILROAD GRADE CROSSINGS COMMITTEE. The treatment of section 195.28 (2)
6 of the statutes first applies to orders under section 195.28 (1) of the statutes on the
7 effective date of this subsection.

8 (13) OPERATORS' LICENSES ISSUED TO CHILDREN UNDER 18 YEARS OF AGE. The
9 treatment of section 343.17 (3) (a) 13. of the statutes first applies to licenses issued
10 on January 1, 2000.

11 **SECTION 9351. Initial applicability; treasurer.**

12 **SECTION 9352. Initial applicability; University of Wisconsin Hospitals**
13 **and Clinics Authority.**

14 **SECTION 9353. Initial applicability; University of Wisconsin Hospitals**
15 **and Clinics Board.**

16 **SECTION 9354. Initial applicability; University of Wisconsin System.**

17 **SECTION 9355. Initial applicability; veterans affairs.**

18 (1) MORTGAGE LOANS. The treatment of section 45.76 (1) (c) of the statutes first
19 applies to applications received by the county veterans' service officer on the effective
20 date of this subsection.

21 **SECTION 9356. Initial applicability; World Dairy Center Authority.**

22 **SECTION 9357. Initial applicability; workforce development.**

23 (1) CHILD CARE ADMINISTRATION. The treatment of sections 48.651 (1), (1g) and
24 (2m), 48.653, 48.685 (1) (am), (2) (a) (intro.) (with respect to certifying agencies), (ad),
25 (am) (intro.) (with respect to certifying agencies) and 5., (b) 4., (bd) and (bm), (3) (a)

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1 (with respect to certifying agencies), (3m), (5) (a), (5c) (bm), (5m), (6) (a) and (8) (with
2 respect to certifying agencies) and 49.155 (1) (am) and (b), (3) (a), (am) and (b) (intro.),
3 (3m) (a), (c) and (d), (6) (a), (b) and (c) and (7) (a) of the statutes, the renumbering and
4 amendment of sections 48.685 (6) (b) and 49.143 (2) (em) of the statutes and the
5 creation of sections 48.685 (6) (b) 4. and 49.143 (2) (em) 2. of the statutes first apply
6 to Wisconsin works agencies that entered into or renew contracts on the effective
7 date of this subsection.

8 (2) RECEIPT OF FOOD STAMPS IN ACTIONS AFFECTING THE FAMILY. The treatment of
9 section 767.075 (1) (c) of the statutes first applies to actions affecting the family that
10 are pending on the effective date of this subsection.

11 (3) ASSIGNMENT OF RECEIVING AND DISBURSING FEES. The treatment of sections
12 767.265 (1), (2h) (by SECTION 3059) and (2r) and 767.29 (1) (d) (intro.), 1. and 2. of the
13 statutes and the amendment of section 767.265 (1m) of the statutes first apply to
14 annual receiving and disbursing fees that are ordered on the effective date of this
15 subsection.

16 (4) INCOME CALCULATION. The treatment of sections 49.145 (3) (b) 2. and 49.155
17 (1m) (b) 3. and (c) 1g. and 1h., the renumbering and amendment of section 49.155
18 (1m) (c) 1. of the statutes and the creation of section 49.155 (1m) 1. a. and b. of the
19 statutes first applies to the calculation of the income of a person who applies for the
20 Wisconsin works program on the effective date of this subsection.

21 (5) FINANCIAL PLANNING SERVICES. The treatment of section 49.143 (2) (cr) of the
22 statutes first applies to contracts entered into or renewed on the effective date of this
23 subsection.

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1 (6) BASIC EDUCATION UNDER WISCONSIN WORKS. The treatment of section 49.147
2 (1m) of the statutes first applies to contracts to administer Wisconsin works that are
3 entered into or renewed on the effective date of this subsection.

SECTION 9358. Initial applicability; other.

4 (1) MUNICIPAL BOUNDARY REVIEW PROCEDURES. The treatment of section 66.021
5 (7) (d), (8) (a) and (11) (a) of the statutes first applies to annexation proceedings that
6 commence with the filing of a petition under section 66.021 (2) (a) or (b) of the statutes
7 on the effective date of this subsection.

8 (2) ENVIRONMENTAL REMEDIATION TAX INCREMENTAL FINANCING. The treatment of
9 section 66.462 (1) (c) and (i), (2) and (4) (a) of the statutes first applies to an
10 environmental remediation tax incremental financing district, the written
11 remediation proposal for which is approved by the political subdivision's governing
12 body on the effective date of this subsection.

13 (3) PRORATED PROPERTY TAXES FOR CERTAIN CONDEMNATIONS. The treatment of
14 section 32.05 (7) (d) and (e) of the statutes first applies to jurisdictional offers that
15 are served upon the owner, as specified in section 32.05 (6) of the statutes, on the
16 effective date of this subsection.

17 (4) INJURIES RELATED TO COMPUTATIONAL DATE ERRORS. The treatment of sections
18 16.528 (3) (f), 19.37 (2) and (3), 66.285 (4) (f), 218.015 (7), 560.05 (3), 775.01 and
19 893.83 of the statutes first applies with respect to noncontractual injuries occurring
20 or injuries occurring under contracts entered into, extended, modified or renewed on
21 the effective date of this subsection.

22 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
23 SECTIONS 9401 to 9458 of this act, this act takes effect on July 1, 1999, or on the day
24 after publication, whichever is later.
25

SENATE BILL 45**SECTION 9401****1 SECTION 9401. Effective dates; administration.**

2 (1) TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD. The repeal of sections
3 16.22 and 20.505 (1) (fm) of the statutes takes effect on January 1, 2000.

4 (2) COMPUTER-BASED WISCONSIN LAND INFORMATION SYSTEM. The repeal of section
5 20.505 (1) (ik) and (kf) of the statutes takes effect on September 1, 2003.

6 (3) CONSOLIDATION OF APPROPRIATIONS. The treatment of section 20.505 (1) (ka)
7 (by SECTION 519) of the statutes takes effect on September 1, 2003.

8 (4) ADDITIONAL BIWEEKLY PAYROLL. The repeal of section 20.865 (1) (e), (jm), (m),
9 (tm) and (x) of the statutes takes effect on June 30, 2001.

10 (5) PAY RATE OR RANGE ADJUSTMENTS. The repeal of section 20.865 (1) (cb) and
11 (ib) of the statutes takes effect on June 30, 2001.

12 (6) SYNAR COMPLIANCE CHECKS. SECTIONS 9101 (16) of this act takes effect on
13 February 28, 1999.

**14 SECTION 9402. Effective dates; adolescent pregnancy prevention and
15 pregnancy services board.****16 SECTION 9403. Effective dates; aging and long-term care board.****17 SECTION 9404. Effective dates; agriculture, trade and consumer
18 protection.**

19 (1) FEDERAL DAIRY POLICY REFORM. The repeal of sections 20.115 (4) (cd) and
20 93.06 (12) of the statutes takes effect on July 1, 2001.

21 (2) RABIES CONTROL TRAINING FEES. The repeal and recreation of section 20.115
22 (2) (j) of the statutes takes effect on December 1, 1999.

23 (3) SALE AND DISTRIBUTION OF FEVER THERMOMETERS. The treatment of section
24 100.37 (2) (e) 2. e. of the statutes takes effect on the first day of the 13th month
25 beginning after publication.

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1 (4) MEAT AND POULTRY INSPECTION. The treatment of section 97.42 (4) (intro.) and
2 (4m) of the statutes takes effect on January 1, 2000.

3 (5) POTENTIALLY HAZARDOUS FOOD. The treatment of section 97.30 (1) (bm) of the
4 statutes takes effect on January 1, 2001.

5 (6) FARMLAND PRESERVATION CHANGES. The treatment of sections 23.094 (2) (c)
6 3., 66.023 (7m), 71.59 (1) (c) and (d) 1. and (2) (b) and (d), 71.60 (1) (b) and (c) 1. to
7 3. and 5. to 8., 91.01 (8), 91.06, 91.11 (1) (a) and (b), (2), (3) and (4), 91.13 (4) (a) and
8 (8) (d), 91.14, 91.19 (2) (c) 1. e., (7), (8), (10), (12) and (13), 91.21 (3), 91.71, 91.73 (2),
9 91.75 (intro.), (1) and (6), 91.77 (2), 91.78, 91.79, 91.80 (1), 92.08 (1), 92.104, 92.105
10 (2), (3), (6) and (7) (b) to (d), 92.14 (2) (e), (3) (a), (4) (b) and (6) (c) 1. and 281.65 (5)
11 (b), (d) and (e) and subchapters III and IV of chapter 91 of the statutes, the repeal
12 of section 92.105 (7) (a) (title) of the statutes, the renumbering and amendment of
13 sections 71.60 (2) and 92.105 (7) (a) of the statutes and the creation of section 71.60
14 (2) (b) of the statutes take effect on January 1, 2001.

15 **SECTION 9405. Effective dates; arts board.**

16 **SECTION 9406. Effective dates; boundary area commission,**
17 **Minnesota-Wisconsin.**

18 **SECTION 9407. Effective dates; building commission.**

19 **SECTION 9408. Effective dates; child abuse and neglect prevention**
20 **board.**

21 **SECTION 9409. Effective dates; circuit courts.**

22 **SECTION 9410. Effective dates; commerce.**

23 (1) INSPECTORS OF PRIVATE SEWAGE SYSTEMS. The treatment of sections 145.245
24 (3) (by SECTION 2213), 281.17 (3) and 281.48 (5) (a) 4. of the statutes takes effect on
25 January 1, 2000.

SENATE BILL 45**SECTION 9410**

1 (2) INSPECTION AND PUMPING OF SMALL SEWAGE SYSTEMS. The repeal and
2 recreation of section 145.245 (3) of the statutes takes effect on the first day of the 13th
3 month beginning after publication.

4 (3) PLUMBING LICENSES. The treatment of section 145.10 of the statutes takes
5 effect on the first day of the 13th month beginning after publication.

6 (4) GAMING ECONOMIC DIVERSIFICATION GRANTS AND LOANS. The treatment of
7 sections 20.143 (1) (id) and (km), 20.505 (8) (hm) 6m. and 560.138 of the statutes
8 takes effect on July 1, 2000.

9 (5) GAMING ECONOMIC DEVELOPMENT GRANTS AND LOANS. The amendment of
10 section 20.143 (1) (kj) of the statutes takes effect on July 1, 2001.

11 (6) SMALL SEWAGE SYSTEMS. The treatment of sections 20.143 (3) (de), 59.70 (1)
12 and (5), 60.70 (5) and (6m), 60.726 (2), 60.77 (5) (b), (bm), (bs) and (j), 66.88 (11),
13 66.888 (1) (c) 3. a., 145.01 (4m), (5), (10) (b), (12) and (14m), 145.02 (4) (c), 145.20
14 (title), (1), (2) (intro.) (by SECTION 2200), (a) and (d) to (h), (3) (a), (b), (c) (by SECTION
15 2207) and (d) and (4), 145.24, 145.245 (title), (1) (a) 1. and (ae), (4) (intro.), (b) and
16 (e), (4m), (5) (a) 1. (by SECTION 2221), 2. (by SECTION 2228) and 3., (5m) (a), (6), (7),
17 (8) (a), (9) (b), (c) and (e), (11) (e), (11m) (b) to (d), (13) and (14) (d), 160.255 and 3.31
18 (1) of the statutes and the amendment of sections 20.320 (3), 145.19 (1), (2) (a), (3)
19 (a), (4) to (7) and (9), 145.20 (1) (ar) and 281.59 (1m) (c) of the statutes take effect on
20 January 1, 2000.

21 (7) PETROLEUM STORAGE REMEDIAL ACTION PROGRAM INTEREST REIMBURSEMENT.
22 The treatment of section 101.143 (4) (c) 8. of the statutes and SECTION 9310 (3) of this
23 act take effect on November 1, 1999.

SENATE BILL 45**SECTION 9410**

1 (8) RECYCLING MARKET DEVELOPMENT BOARD FUNDING. The repeal of section
2 287.46 (4) of the statutes and the repeal and recreation of section 20.143 (1) (L) of the
3 statutes take effect on June 30, 2001.

4 (9) PETROLEUM STORAGE REMEDIAL ACTION PROGRAM AWARDS. The treatment of
5 sections 101.143 (4) (d) 2. a., b. and d. and 101.144 (2) (b) 1., (3g) and (3m) (a) 3. of
6 the statutes and SECTION 9310 (5) of this act take effect on December 1, 1999.

7 **SECTION 9411. Effective dates; corrections.**

8 (1) SECURED GROUP HOMES.

9 (a) The renumbering and amendment of section 48.66 (1) of the statutes, the
10 amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 20.410 (3) (ho), 46.036 (4) (a),
11 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m) (am), 48.66
12 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (2) (b),
13 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3., 51.05 (2), 51.35
14 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301 (1) (d) 2., 115.81
15 (9) (c), 118.125 (4), 165.76 (1) (a), 165.76 (2) (b) 2., 252.15 (1) (ab), 252.15 (2) (a) 7. a.,
16 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10) (e), 301.03 (10) (f),
17 301.08 (1) (b) 3., 301.205, 301.26 (4) (c), 301.26 (4) (cm) 1., 301.26 (4) (cm) 2., 301.26
18 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.263 (3), 301.36 (1), 301.37 (1), 301.45 (1)
19 (b), 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m),
20 938.02 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2.,
21 938.08 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22 (title), 938.22 (1) (a),
22 938.22 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a),
23 938.22 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33
24 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345
25 (1) (a), 938.355 (1), 938.357 (3), 938.357 (4) (a), 938.357 (4g) (a), 938.357 (4g) (b),

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1 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a), 938.48 (4), 938.51 (1)
2 (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.533 (3) (a), 938.535, 938.538 (3) (a) 1.,
3 938.538 (3) (a) 1m., 938.538 (3) (a) 1p., 938.538 (4) (a), 938.57 (1) (c), 938.57 (4), 938.59
4 (1), 938.78 (3), 939.635 (1), 939.635 (2) (b), 940.20 (2m) (a) 1., 946.42 (1) (a), 946.44
5 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7) (b), 973.013 (3m),
6 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b) and
7 980.04 (1) of the statutes, the creation of sections 51.01 (14k), 51.01 (14m), 51.01
8 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and 938.02 (15p) of the
9 statutes and SECTION 9311 (2) of this act take effect on January 1, 2000.

10 (b) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes
11 effect on December 1, 2001.

SECTION 9412. Effective dates; court of appeals.**SECTION 9413. Effective dates; educational communications board.****SECTION 9414. Effective dates; elections board.**

15 (1) CAMPAIGN FINANCE AND ELECTIONS BOARD COMPOSITION. SECTION 9158 (6) of
16 this act takes effect on February 28, 1999.

SECTION 9415. Effective dates; employe trust funds.

18 (1) REFUNDS AND UNDERPAYMENTS. The treatment of section 40.08 (6) (e) and (7)
19 (c) of the statutes and SECTION 9315 (1) and (2) of this act take effect on June 30, 2000.

SECTION 9416. Effective dates; employment relations commission.**SECTION 9417. Effective dates; employment relations department.****SECTION 9418. Effective dates; ethics board.****SECTION 9419. Effective dates; financial institutions.**

SENATE BILL 45**SECTION 9419**

1 (1) UNIVERSAL BANKING. The treatment of section 220.04 (9) (a) 2. and chapter
2 222 of the statutes takes effect on the first day of the 3rd month beginning after
3 publication.

4 **SECTION 9421. Effective dates; governor.**

5 **SECTION 9422. Effective dates; Health and Educational Facilities**
6 **Authority.**

7 **SECTION 9423. Effective dates; health and family services.**

8 (1) ELIMINATION OF COUNCIL ON LONG-TERM CARE. The repeal of sections 15.197
9 (5), 46.281 (1) (a) and (b) and 46.282 of the statutes and the amendment of section
10 46.284 (2) (c) of the statutes take effect on July 1, 2001, on the day after publication
11 of the 2001–03 biennial budget act, whichever is later.

12 (2) TUBERCULOSIS. The treatment of sections 252.10 (7) and 610.70 (1) (e) of the
13 statutes takes effect on June 1, 1999, or on the day after publication, whichever is
14 later.

15 (3) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. The repeal and
16 recreation of section 46.45 (2) (a) of the statutes takes effect on July 1, 2001.

17 (4) BRIGHTER FUTURES INITIATIVE. The treatment of sections 20.435 (3) (fm),
18 20.9275 (2) (intro.), 46.48 (6), 46.715, 46.99 and 51.45 (5) of the statutes, the repeal
19 of sections 46.995, 46.996 and 46.997 of the statutes and the repeal and recreation
20 of section 20.435 (3) (eg) of the statutes take effect on July 1, 2000.

21 (5) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS. The treatment of
22 sections 46.27 (7) (cj) 3. a. and (11) (c) 5n. a., 46.277 (5) (d) 1n. a. and 50.035 (7) (c)
23 of the statutes and SECTION 9323 (3) of this act take effect on January 1, 2000.

SENATE BILL 45**SECTION 9423**

1 (6) SUPPLEMENTAL PAYMENT FOR CERTAIN RECIPIENTS OF SUPPLEMENTAL SECURITY
2 INCOME. The treatment of section 49.775 (4) of the statutes takes effect on October
3 1, 1999, or on the day after publication, whichever is later.

4 (7) INDIAN GAMING FUNDS. The treatment of sections 20.435 (4) (bs), 20.505 (8)
5 (hm) 18. and 49.029 (2) (by SECTION 1207) of the statutes takes effect on July 1, 2000.

6 (8) INDIAN GAMING FUNDS. The treatment of sections 20.435 (5) (ek), 20.505 (8)
7 (hm) 18b. and 146.19 (2) (intro.) of the statutes takes effect on July 1, 2000.

8 (9) BACKGROUND INVESTIGATIONS OF EMPLOYEES AND CONTRACTORS WHO CARE FOR
9 CHILDREN OR VULNERABLE ADULTS. The repeal and recreation of sections 48.685 (2) (ag)
10 (intro.) and 50.065 (2) (ag) (intro.) of the statutes takes effect on October 1, 1999.

11 (10) LICENSING OF RADIOACTIVE MATERIAL. The treatment of section 254.365 of
12 the statutes takes effect on January 1, 2003.

13 **SECTION 9424. Effective dates; historical society.**

14 **SECTION 9425. Effective dates; Housing and Economic Development**
15 **Authority.**

16 (1) LOAN GUARANTEES FOR BUSINESSES AFFECTED BY GAMING. The repeal of section
17 20.505 (8) (hm) 6p. of the statutes takes effect on July 1, 2000.

18 (2) BIOTECHNOLOGY DEVELOPMENT FINANCE COMPANY. The repeal of section 20.490
19 (7) of the statutes takes effect on July 1, 2001.

20 **SECTION 9426. Effective dates; insurance.**

21 (1) GRANT TO ESTABLISH SMALL EMPLOYER HEALTH INSURANCE PURCHASING POOLS.
22 The repeal of section 20.145 (1) (c) of the statutes takes effect on July 1, 2000.

23 (2) POINT-OF-SERVICE COVERAGE. The treatment of sections 111.91 (2) (r) and
24 609.23 of the statutes and SECTION 9326 (1) of this act take effect on the first day of
25 the 6th month beginning after publication.

SENATE BILL 45**SECTION 9427**

1 **SECTION 9427. Effective dates; investment board.**

2 **SECTION 9428. Effective dates; joint committee on finance.**

3 **SECTION 9429. Effective dates; judicial commission.**

4 **SECTION 9430. Effective dates; justice.**

5 **SECTION 9431. Effective dates; legislature.**

6 **SECTION 9432. Effective dates; lieutenant governor.**

7 **SECTION 9433. Effective dates; lower Wisconsin state riverway board.**

8 **SECTION 9434. Effective dates; Medical College of Wisconsin.**

9 **SECTION 9435. Effective dates; military affairs.**

10 **SECTION 9436. Effective dates; natural resources.**

11 (1) SNOWMOBILE SAFETY PROGRAM.

12 (a) The treatment of section 350.055 (by SECTION 2802) of the statutes takes
13 effect on January 1, 2000, or on the day after publication, whichever is earlier.

14 (b) The treatment of section 350.05 (3) of the statutes and the repeal and
15 recreation of sections 350.05 (2) and 350.055 of the statutes take effect on January
16 1, 2001.

17 (2) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
18 of sections 20.370 (3) (at), 23.33 (5) (d), 29.563 (11) (b) 1., 29.591 (3) and 30.74 (1) (b)
19 of the statutes takes effect on January 1, 2000, or on the day after publication,
20 whichever is later.

21 (3) BOAT CERTIFICATION AND REGISTRATION PERIODS. The treatment of section
22 30.52 (2) and (3) (b), (c), (d), (e), (f), (fm), (h), (i) and (im) of the statutes and SECTION
23 9336 (5) of this act take effect on April 1, 2000.

24 (4) PERMITS FOR NAVIGABLE WATERS; HEARING AND NOTICE REQUIREMENTS. The
25 treatment of sections 30.01 (6b), 30.02, 30.12 (2), 30.123 (3), 30.135 (2) (a), (b) and

SENATE BILL 45**SECTION 9436**

1 (c), (3) (a) and (b) (intro.), 1., 2. and 3., and (4), 30.14 (2), 30.18 (4) (a), 30.19 (3) (a),
2 30.195 (3) and (3m), 30.196 (intro.), 30.20 (3) and 236.16 (3) (d) (intro.) and (3m) of
3 the statutes takes effect on September 1, 2001.

4 (5) GENERAL PERMITS FOR NAVIGABLE WATERS. The treatment of sections 30.206
5 (1), (1r) (title), (b), (c) and (d), (2), (3), (3m), (4), (6), (7) and (8m), 30.207 (title), (1),
6 (1m), (2), (3) (title), (a) (b), (c) and (d) (intro.), 1. and 2., (4), (5), (6), (7) (title), (a), (b)
7 and (c), (8), (9) (intro.), (a) and (b) and (10) and 30.28 (1), (2) (b) 1. and 2. and (2m)
8 (am), (b) and (d) of the statutes, the renumbering and amendment of section 30.206
9 (5) of the statutes and the creation of section 30.206 (5) (title), (a), (b) and (d) of the
10 statutes take effect on September 1, 2001.

11 (6) ELK TRANSPORTATION. The treatment of sections 20.370 (1) (hk) and 20.505
12 (8) (hm) 8g. of the statutes takes effect on July 1, 2000.

13 (7) DRINKING WATER STUDY. The creation of sections 20.370 (6) (ck) and 20.505
14 (8) (hm) 17g. of the statutes takes effect on July 1, 2000.

15 (8) DRINKING WATER STUDY REPEAL. The repeal of sections 20.370 (6) (ck) and
16 20.505 (8) (hm) 17g. of the statutes takes effect on July 1, 2001.

17 **SECTION 9437. Effective dates; personnel commission.**

18 **SECTION 9438. Effective dates; public defender board.**

19 **SECTION 9439. Effective dates; public instruction.**

20 (1) TEACHER LICENSE RENEWAL. The treatment of section 118.19 (3m) of the
21 statutes takes effect on the first day of the 13th month beginning after publication.

22 **SECTION 9440. Effective dates; public lands, board of commissioners of.**

23 **SECTION 9441. Effective dates; public service commission.**

24 (1) SUBMITTAL OF INFORMATION. The treatment of sections 196.02 (7m) of the
25 statutes, the renumbering and amendment of section 196.14 of the statutes, the

SENATE BILL 45**SECTION 9441**

1 creation of section 196.14 (2) of the statutes and SECTIONS 9141 (2) (a) and 9341 (2)
2 (3) of this act take effect on the first day of the 6th month beginning after the effective
3 date of this subsection.

4 **SECTION 9442. Effective dates; regulation and licensing.**

5 (1) INITIAL AND RENEWAL CREDENTIAL FEES.

6 (a) The treatment of sections 440.05 (1) (a) and 440.08 (2) (a) 1., 2., 3., 4., 4m.,
7 5., 6., 7., 9., 11., 11m., 12., 13., 14., 14g., 14r., 15., 16., 17., 18., 20., 24., 25., 26., 27.,
8 27m., 28., 29., 30., 31., 34., 35., 35m., 36., 37., 38., 38g., 38m., 39., 42., 43., 45., 46.,
9 46m., 48., 49., 50., 51., 52., 53., 54., 55., 56., 57., 58., 59., 60., 61., 62., 63., 63g., 63m.,
10 63t., 63u., 63v., 63w., 63x., 64., 65., 66., 67., 67m., 67q., 68., 68d., 68h., 68p., 68t., 68v.,
11 69., 70. and 71. of the statutes takes effect on September 1, 1999, or on the first day
12 of the 2nd month beginning after publication, whichever is later.

13 (b) The treatment of section 440.08 (2) (a) 67v. of the statutes takes effect on
14 October 2, 1999.

15 **SECTION 9443. Effective dates; revenue.**

16 (1) LOTTERY RETAILER COMPENSATION. The treatment of sections 565.02 (4) (g)
17 and 565.10 (14) (b) 3m. of the statutes takes effect on January 1, 2000.

18 (2) TAX TREATMENT OF SALES OF TIME-SHARE PROPERTIES. The treatment of sections
19 77.25 (21), 77.255, 77.51 (4) (c) 6., 77.52 (2) (a) 1., 709.01 (1) and 799.01 (1) (am) of
20 the statutes takes effect on the first day of the 2nd month commencing after
21 publication.

22 (3) AD VALOREM TAXPAYERS, COMPUTER EXEMPTION. The treatment of sections
23 76.025 (1), 76.03 (1) and 76.81 of the statutes takes effect retroactively to January
24 1, 1999.

SENATE BILL 45**SECTION 9443**

1 (4) COMPUTERIZED EQUIPMENT. The treatment of section 70.11 (40) of the statutes
2 takes effect on the January 1 after publication.

3 (5) COMPROMISING NONDELINQUENT TAXES. The treatment of section 73.13 of the
4 statutes takes effect on the first day of the 2nd month beginning after publication.

5 (6) RECERTIFICATION PROCEDURES FOR ASSESSORS. The treatment of section 73.09
6 (4) (c) of the statutes takes effect retroactively to January 1, 1999.

7 (7) APPORTIONMENT FACTORS. The treatment of sections 71.04 (4), (5) (intro.), (6)
8 (intro.) and (7) (d), (dc), (dg), (dn) and (dr), 71.25 (6), (7) (intro.), (8) (intro.) and (9)
9 (d), (dc), (dg), (dn) and (dr), 71.28 (4) (a) and (am) 1., 71.45 (3) (intro.) and (a) and (3m)
10 and 71.47 (4) (a) and (am) of the statutes and the renumbering and amendment of
11 section 71.45 (3) (b) of the statutes take effect on the January 1 after publication.

12 **SECTION 9444. Effective dates; secretary of state.**

13 **SECTION 9445. Effective dates; state fair park board.**

14 **SECTION 9446. Effective dates; supreme court.**

15 **SECTION 9447. Effective dates; technical college system.**

16 **SECTION 9448. Effective dates; technology for educational**
17 **achievement in Wisconsin board.**

18 **SECTION 9449. Effective dates; tourism.**

19 **SECTION 9450. Effective dates; transportation.**

20 (1) OPERATING AFTER REVOCATION OR WHILE SUSPENDED. The treatment of section
21 343.44 (2) (a) and (am) of the statutes takes effect on May 1, 2001, or on the date
22 stated for those paragraphs in the notice published by the secretary of transportation
23 in the Wisconsin Administrative Register under section 85.515 of the statutes,
24 whichever is earlier.

SENATE BILL 45**SECTION 9450**

1 (2) LATE PAYMENT FEES FOR TELEPHONIC MOTOR TRUCK REGISTRATION. The
2 treatment of section 341.19 (1) (b) of the statutes and SECTION 9350 (2) of this act take
3 effect on January 1, 2000.

4 (3) STATE TRAFFIC PATROL ADMINISTRATOR. The treatment of section 40.02 (48) (b)
5 4. of the statutes takes effect on January 1, 2000.

6 (4) SPECIAL OR SEASONAL WEIGHT LIMITATION SIGNS. The treatment of section
7 349.16 (2) of the statutes takes effect on July 1, 2000.

8 **SECTION 9451. Effective dates; treasurer.**

9 **SECTION 9452. Effective dates; University of Wisconsin Hospitals and**
10 **Clinics Authority.**

11 **SECTION 9453. Effective dates; University of Wisconsin Hospitals and**
12 **Clinics Board.**

13 **SECTION 9454. Effective dates; University of Wisconsin System.**

14 **SECTION 9455. Effective dates; veterans affairs.**

15 **SECTION 9456. Effective dates; World Dairy Center Authority.**

16 **SECTION 9457. Effective dates; workforce development.**

17 (1) COLLECTION METHODS FOR PUBLIC ASSISTANCE. The amendment of section
18 49.195 (3n) (k) and (r) of the statutes takes effect on December 31, 1999.

19 (2) ASSIGNMENT OF RECEIVING AND DISBURSING FEES. The treatment of sections
20 767.265 (1), (2h) (by SECTION 3059) and (2r) and 767.29 (1) (d) (intro.), 1. and 2. of the
21 statutes, the amendment of section 767.265 (1m) of the statutes and SECTION 9357
22 (3) of this act take effect on January 1, 2000.

23 (3) INCOME CALCULATION. The treatment of sections 49.145 (3) (b) 2. and 49.155
24 (1m) (b) 3. and (c) 1g. and 1h. of the statutes, the renumbering and amendment of
25 section 49.155 (1m) (c) 1. of the statutes and the creation of section 49.155 (1m) (c)

SENATE BILL 45**SECTION 9457**

1 1. a. and b. of the statutes and SECTION 9357 (4) of this act take effect on January 1,
2 2000.

3 (4) CHILD CARE SUBSIDY ELIGIBILITY. The treatment of section 49.155 (1) (aL) and
4 (1m) (intro.) and (a) (intro.) of the statutes takes effect on January 1, 2000.

5 (5) WAGE-PAYING COMMUNITY SERVICE JOBS. The treatment of sections 20.445 (3)
6 (dz) (by SECTION 467), 20.835 (2) (f) and (k), 49.147 (4) (c) 1g. and 3. (intro.), a. and
7 b., 49.148 (1) (b) 2., 49.151 (1) (f), 49.175 (1) (b) 1. and 2. and 71.07 (9e) (af) (intro.)
8 and (afm) of the statutes, the renumbering and amendment of section 49.175 (1) (qm)
9 1. of the statutes and the repeal of section 49.175 (1) (qm) 2. of the statutes take effect
10 on January 1, 2001.

11 **SECTION 9458. Effective dates; other.**

12 (1) CULTURAL ARTS AUTHORITY. SECTION 9158 (3) of this act takes effect on
13 February 28, 1999.

14 (END)